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# **Post-Secondary Education Subcommittee**

**March 20, 2017**

**3:30 PM**

**Mashburn Hall (306 HOB)**

**Amended Meeting Packet**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Post-Secondary Education Subcommittee

**Start Date and Time:** Monday, March 20, 2017 03:30 pm  
**End Date and Time:** Monday, March 20, 2017 06:30 pm  
**Location:** Mashburn Hall (306 HOB)  
**Duration:** 3.00 hrs

**Consideration of the following bill(s):**

HB 3 Higher Education by Avila  
HB 845 Direct-support Organization for the Florida Prepaid Tuition Scholarship Program by Mariano  
HB 1085 Florida Keys Community College by Raschein  
HB 1139 Minority Teacher Education Scholars by Davis  
HB 6037 Blind Services Direct-support Organization by Fischer

**NOTICE FINALIZED on 03/16/2017 4:21PM by Juszczuk.Erin**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 3 Higher Education  
**SPONSOR(S):** Avila  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** CS/CS/SB 2

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee		Bishop <i>HRB</i>	Bishop <i>HRB</i>
2) Higher Education Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

HB 3 establishes the "Florida Excellence in Higher Education Act of 2017" to expand financial aid provisions and modify programmatic mechanisms to assist students in accessing higher education and incentivizing postsecondary institutions to emphasize on-time graduation. Specifically, the bill:

- Modifies the state university and Florida College System institution performance accountability metrics and standards to promote on-time student graduation.
- Expands the Florida Bright Futures Academic Scholars (FAS) award to cover 100 percent of tuition and specified fees plus \$300 per fall and spring semester for textbooks and college-related expenses;
- Expands eligibility for the Benacquisto Scholarship Program to include eligible students graduating from out of state;
- Revises the state-to-private match requirements for contributions to the First Generation Matching Grant Program from 1:1 to 2:1.
- Requires each state university board of trustees to adopt a resident and non-resident undergraduate block tuition policy for implementation by the fall 2018 semester.
- Strengthens "2+2" articulation by requiring each Florida College System institution to establish a "2+2" targeted pathway program.
- Requires school districts to provide notification to students about applying acceleration mechanism credit to a postsecondary degree.
- Renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Program.

See Fiscal Comments.

The bill has an effective date of July, 1 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Under the leadership of the Legislature, the Board of Governors of the State University System (BOG), and the State Board of Education (SBE), Florida's public universities and colleges continue to maintain focus on improving institutional and student performance outcomes.

Additionally, the Legislature has established performance-based funding models in recent years to evaluate the performance of Florida's state universities and Florida College System (FCS) institutions based on identified metrics and standards.

##### State University System Performance-Based Incentive

The State University System (SUS) Performance-Based Incentive is awarded to state universities using performance-based metrics<sup>1</sup> adopted by the BOG. The metrics include, but are not limited to, bachelor's degree graduates' employment and wages, average cost per bachelor's degree, a six-year graduation rate, academic progress rates, and bachelor's and graduate degrees in areas of strategic emphasis.

The BOG is required to adopt benchmarks to evaluate each state university's performance on the metrics.<sup>2</sup> The evaluation measures a state university's achievement of institutional excellence or need for improvement, which determines the university's eligibility to receive performance funding.

##### Preeminent State Research Universities Program

The Preeminent State Research Universities Program is a collaborative partnership between the BOG and the Legislature to raise the academic and research preeminence of the highest performing state research universities in Florida.<sup>3</sup> A state university that meets 11 of the 12 academic and research excellent standards specified in law<sup>4</sup> is designated a "preeminent state research university."<sup>5</sup> Currently, the University of Florida and the Florida State University are designated as preeminent state research universities.<sup>6</sup>

##### *Emerging Preeminent State Research Universities*

A state research university that meets at least 6 of the 12 standards is designated as an "emerging preeminent state research university."<sup>7</sup> Currently, the University of Central Florida and the University of South Florida-Tampa are designated as emerging preeminent state research universities. Each designated emerging preeminent state research university receives an amount of funding that is equal

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<sup>1</sup> Board of Governors, Performance Funding Model Overview, available at [http://www.flbog.edu/about/budget/docs/performance\\_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf](http://www.flbog.edu/about/budget/docs/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf).

<sup>2</sup> Section 1001.92(1), F.S.

<sup>3</sup> Section 1001.7065(1), F.S.

<sup>4</sup> Section 1001.7065(2), F.S. The standards include: incoming freshman academic characteristics (average weighted GPA and average SAT score); institutional ranking nationally; freshman retention rate; six-year graduation rate; national academy membership of institution faculty; research expenditures (2 measures); research expenditure national ranking; patents awarded annually; doctoral degrees awarded annually; postdoctoral appointees annually; and institutional endowment.

<sup>5</sup> Section 1001.7065(3)(a), F.S.

<sup>6</sup> Board of Governors, State University System of Florida, System Summary of University Work Plans 2016, at 10, available at [http://www.flbog.edu/about/doc/budget/workplan\\_2016/2016\\_SYSTEM\\_WORK\\_PLAN\\_2016-09-09.pdf](http://www.flbog.edu/about/doc/budget/workplan_2016/2016_SYSTEM_WORK_PLAN_2016-09-09.pdf)

<sup>7</sup> Section 1001.7065(3)(b), F.S.

to one-half of the total increased amount awarded to each designated preeminent state research university.

### *Unique Courses*

A university that is designated as a preeminent state research university may require its incoming first-time-in-college (FTIC) students to take a six-credit set of unique courses.<sup>8</sup> To provide a shared academic experience, the university may stipulate that credit for such courses may not be earned through any acceleration mechanism or any other transfer credit specifically determined by the university.<sup>9</sup>

### *Programs of National Excellence*

The BOG is encouraged to establish standards and measures to identify individual programs in state universities that objectively reflect national excellence and make recommendations to the Legislature for ways to enhance and promote such programs.<sup>10</sup>

### Florida College System Performance-Based Incentive

The FCS Performance-Based Incentive is awarded to FCS institutions using metrics adopted by the SBE. The metrics must include retention rates; program completion and graduation rates; postgraduation employment, salaries, and continuing education for workforce education and baccalaureate programs, with wage thresholds that reflect the added value of the certificate or degree; and outcome measures appropriate for associate of arts degree recipients.<sup>11</sup> The SBE is required to adopt benchmarks to evaluate each institution's performance on the metrics for eligibility to receive performance funding.<sup>12</sup>

### Distinguished Florida College System Institution Program

The Distinguished FCS Institution Program is a collaborative partnership between the SBE and the Legislature to recognize the excellence of Florida's highest-performing FCS institutions.<sup>13</sup> The excellence standards include:

- A 150 percent-of-normal-time completion rate<sup>14</sup> of 50 percent or higher, as calculated by the Division of Florida Colleges.
- A 150 percent-of-normal-time completion rate for Pell Grant recipients of 40 percent or higher, as calculated by the Division of Florida Colleges.
- A retention rate of 70 percent or higher, as calculated by the Division of Florida Colleges.
- A continuing education, or transfer, rate of 72 percent or higher for students graduating with an associate of arts degree, as reported by the Florida Education and Training Placement Information Program (FETPIP).
- A licensure passage rate on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) of 90 percent or higher for first-time exam takers, as reported by the Board of Nursing.
- A job placement or continuing education rate of 88 percent or higher for workforce programs, as reported by FETPIP.

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<sup>8</sup> Section 1001.7065(6), F.S.

<sup>9</sup> Section 1001.7065(6), F.S.

<sup>10</sup> Section 1001.7065(8), F.S.

<sup>11</sup> Section 1001.66(1), F.S.

<sup>12</sup> *Id.* Rule 6A-14.07621, F.A.C., provides a description of the metrics and benchmarks, and calculations for performance funding.

<sup>13</sup> Section 1001.67, F.S.

<sup>14</sup> Rule 6A-14.07621(3)(b), F.A.C. The normal-time-completion rate captures the outcomes of a cohort of full-time, FTIC students who graduate within the amount of time is dependent on the catalogue time for the academic program.

- A time-to-degree for students graduating with an associate of arts degree of 2.25 years or less for first-time-in-college students with accelerated college credits, as reported by the Southern Regional Education Board.

An FCS institution that meets 5 of the 7 excellence standards is designated as a distinguished college.<sup>15</sup>

### Developmental Education

Developmental education is instruction through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction.<sup>16</sup> Developmental education may be delivered through a variety of delivery strategies described in law.<sup>17</sup>

Each FCS institution board of trustees is required to develop a plan to implement the developmental education strategies defined in law<sup>18</sup> and rules<sup>19</sup> of the SBE.<sup>20</sup> A university board of trustees may contract with an FCS institution to provide developmental education services for their students in need of developmental education.<sup>21</sup> Florida Agricultural and Mechanical University (FAMU) is also authorized to offer developmental education.<sup>22</sup>

### Florida Bright Futures Scholarship Program

The Florida Bright Futures Scholarship Program (Bright Futures) was established in 1997<sup>23</sup> as a lottery-funded scholarship program to reward a Florida high school graduate who merits recognition for high academic achievement. The student must enroll in a degree program, certificate program, or applied technology program at an eligible public or private postsecondary education institution<sup>24</sup> in Florida after graduating from high school.<sup>25</sup> Bright Futures consists of three types of awards:<sup>26</sup>

- Florida Academic Scholars (FAS);<sup>27</sup>
- Florida Medallion Scholars (FMS);<sup>28</sup> and
- Florida Gold Seal Vocational Scholars (FGSV) and Florida Gold Seal CAPE Scholars.<sup>29</sup>

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<sup>15</sup>Section 1001.67(1)-(2), F.S

<sup>16</sup>Section 1008.02(1), F.S.

<sup>17</sup>*Id.* Strategies include modularized instruction that is customized and targeted to address specific skills gaps, compressed course structures that accelerate student progression from developmental instruction to college level coursework, contextualized developmental instruction that is related to meta-majors, and corequisite developmental instruction or tutoring that supplements credit instruction while a student is concurrently enrolled in a credit-bearing course.

<sup>18</sup>*Id.*

<sup>19</sup>Rule 6A-14.030(12), F.A.C.

<sup>20</sup>Section 1008.30(5)(a), F.S.

<sup>21</sup>Section 1008.30(5)(c), F.S.

<sup>22</sup>Board of Governors Regulation 6.008(1).

<sup>23</sup>Section 2, ch. 1997-77, L.O.F.

<sup>24</sup>A student who receives any award under the Florida Bright Futures Scholarship Program, who is enrolled in a nonpublic postsecondary education institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, receives a fixed award calculated by using the average tuition and fee calculation as prescribed by the Department of Education for full-time attendance at a public postsecondary education institution at the comparable level. Section 1009.538, F.S.

<sup>25</sup>Sections 1009.53(1) and 1009.531(2)(a)-(c), F.S. Starting with 2012-2013 graduates, a student graduating from high school is able to accept an initial award for 2 years following high school and to accept a renewal award for 5 years following high school graduation.

<sup>26</sup>Section 1009.53(2), F.S.

<sup>27</sup>Section 1009.534, F.S.

<sup>28</sup>Section 1009.535, F.S.

<sup>29</sup>Section 1009.536, F.S.

Bright Futures award amounts are specified annually in the General Appropriations Act (GAA).<sup>30</sup> A student may use a Bright Futures award for summer term enrollment if funds are available.<sup>31</sup> However, funds have not been appropriated for Bright Futures summer term awards since the 2000-2001 fiscal year.<sup>32</sup>

### Benacquisto Scholarship Program

The Benacquisto Scholarship Program, created in 2014,<sup>33</sup> rewards any Florida high school graduate who receives recognition as a National Merit Scholar (NMS) or National Achievement Scholar (NAS) and who enrolls in a baccalaureate degree program at an eligible Florida public or independent postsecondary education institution.<sup>34</sup> Among other statutory eligibility requirements,<sup>35</sup> the student must earn a standard Florida high school diploma or equivalent<sup>36</sup> and be a state resident.<sup>37</sup>

The award amounts are as follows:

- At a Florida public postsecondary education institution the award is equal to the institutional cost of attendance less the sum of the student's Bright Futures Scholarship and NMS or NAS award;<sup>38</sup>
- At a Florida independent postsecondary education institution the award is equal to the highest cost of attendance at a Florida public university, as reported by the BOG, less the sum of the student's Bright Futures Scholarship and NMS or NAS award.<sup>39</sup>

### First Generation Matching Grant Program

The First Generation Matching Grant Program was established in 2006<sup>40</sup> to enable each state university to provide donors with a matching grant incentive for contributions to create grant-based student financial aid for undergraduate students who demonstrate financial need and whose parents have not earned a baccalaureate degree.<sup>41</sup> Funds appropriated for the program must be allocated by the Office of Student Financial Assistance (within the Florida Department of Education) to match private contributions on a dollar-for-dollar basis.<sup>42</sup>

### William L. Boyd, IV, Florida Resident Access Grant (FRAG)

The William L. Boyd, IV, FRAG is a tuition assistance program that is available to full-time degree-seeking undergraduate students registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the

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<sup>30</sup> Sections 1009.534 (2), 1009.535 (2), and 1009.536(3), F.S.

<sup>31</sup> Section 1009.53 (9), F.S.

<sup>32</sup> Florida Office of Economic and Demographic Research, Student Financial Aid Impact Conference (March 2015), available at <http://edr.state.fl.us/Content/conferences/financialaidimpact/archives/150303financialaidimpact.pdf>.

<sup>33</sup> The Benacquisto Scholarship Program was formerly titled the Florida National Merit Scholar Incentive Program. Section 26, ch. 2016-237, L.O.F.

<sup>34</sup> Section 1009.893, F.S.

<sup>35</sup> Section 1009.893(4), F.S.

<sup>36</sup> Other graduation options include Academically Challenging Curriculum to Enhance Learning (ACCEL) options (s. 1002.3105, F.S.), early high school graduation (s. 1003.4281, F.S.), a high school equivalency diploma (s. 1003.435, F.S.), completion of a home education program (s. 1002.41, F.S.), or earning a high school diploma from a school outside Florida while living with a parent or guardian who is on military or public service assignment outside Florida.

<sup>37</sup> Section 1009.893(4)(a), F.S. Under section 1009.40(1)(a)2., F.S., the student must meet the requirements of Florida residency for tuition purposes under s. 1009.21, F.S.; see also Rule 6A-10.044, F.A.C.

<sup>38</sup> Section 1009.893(5)(a), F.S.

<sup>39</sup> Section 1009.893(5)(b), F.S.

<sup>40</sup> Section 1, ch. 2006-73, L.O.F.

<sup>41</sup> Section 1009.701(1), F.S.

<sup>42</sup> Section 1009.701 (2), F.S.



Southern Association of Colleges and Schools; which grants baccalaureate degrees; which is not a state university or FCS institution; and which has a secular purpose.<sup>43</sup>

### Block Tuition

The BOG is authorized to approve a proposal from a university board of trustees to implement flexible tuition policies including, but not limited to, block tuition.<sup>44</sup> The block tuition policy for resident undergraduate students or undergraduate-level courses must be based on the established per-credit-hour undergraduate tuition.<sup>45</sup> The block tuition policy for nonresident undergraduate students must be based on the established per-credit-hour undergraduate tuition and out-of-state fee.<sup>46</sup> The BOG has not received a request for approval of a block tuition policy proposal from any state university.<sup>47</sup>

### 2+2 Articulation

The SBE and the BOG are required to enter into a statewide articulation agreement to preserve Florida's "2+2" system of articulation, facilitate the seamless articulation of student credit across and among Florida's education entities, and reinforce the articulation and admission policies specified in law.<sup>48</sup>

The articulation agreement must provide that every associate in arts graduate of an FCS institution has met all general education requirements, has indicated a baccalaureate institution and program of interest by the time the student earns 30 semester hours, and must be granted admission to the upper division, with certain exceptions,<sup>49</sup> of a state university or an FCS institution that offers a baccalaureate degree.<sup>50</sup> However, eligibility for admission to a state university does not provide to a transfer student guaranteed admission to the specific university or degree program that the student chooses.<sup>51</sup>

### Academic Notification

Articulated acceleration mechanisms include, but are not limited, to Advanced Placement (AP), Advanced International Certificate of Education (AICE), International Baccalaureate (IB), credit by examination, and dual enrollment.<sup>52</sup> The Department of Education is required to annually identify and publish the minimum scores, maximum credit, and course or courses for which credit must be awarded for specified examinations.<sup>53</sup> The Articulation Coordinating Committee (ACC)<sup>54</sup> has established passing scores and course and credit equivalents for examinations specified in law.<sup>55</sup> The credit-by-exam equivalencies have been adopted in rule by the SBE.<sup>56</sup>

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<sup>43</sup> Section 1009.89(1) and (3), F.S.

<sup>44</sup> Section 1009.24(15)(a), F.S.

<sup>45</sup> Section 1009.24(15)(a)3., F.S.

<sup>46</sup> Id.

<sup>47</sup> Board of Governors, 2017 Legislative Bill Analysis for SB 2 (Jan. 18, 2017), at 4.

<sup>48</sup> Section 1007.23(1), F.S.

<sup>49</sup> Section 1007.23(2)(a), F.S., exceptions include limited access programs, teacher certification programs, and those requiring an audition.

<sup>50</sup> Section 1007.23(2)(a), F.S.

<sup>51</sup> Board of Governors Regulation 6.004(2)(b)

<sup>52</sup> Section 1007.27(1), F.S.

<sup>53</sup> Section 1007.27(2), F.S.

<sup>54</sup> The Articulation Coordinating Committee (ACC) is established by the Commissioner of Education in consultation with the Chancellor of the SUS, to make recommendations related to statewide articulation policies regarding access, quality, and data reporting. The ACC serves as an advisory body to the Higher Education Coordinating Council, the SBE, and BOG.

<sup>55</sup> Florida Department of Education, Articulation Coordinating Committee Credit by Exam Equivalencies (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

<sup>56</sup> Rule 6A-10.024, F.A.C.

Each FCS institution and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of the examinations associated with the identified acceleration mechanisms.<sup>57</sup>

The law also requires the Commissioner of Education to appoint faculty committees representing secondary and public postsecondary education institutions to identify postsecondary courses that meet high school graduation requirements and equivalent high school credits earned through dual enrollment.<sup>58</sup> Additionally, the commissioner must recommend such courses to the SBE. The dual enrollment course-to-high school subject area equivalency list specifies postsecondary courses that when completed earn both high school and college credit.<sup>59</sup> All high schools must accept these dual enrollment courses toward meeting the standard high school diploma requirements.

### **Effect of Proposed Changes**

This bill establishes the “Florida Excellence in Higher Education Act of 2017” to expand financial aid provisions and modify programmatic mechanisms to assist students in accessing higher education and incentivizing postsecondary institutions to emphasize on-time graduation. Specifically, the bill:

- Modifies the state university and Florida College System institution performance accountability metrics and standards to promote on-time student graduation.
- Expands the Florida Bright Futures Academic Scholars (FAS) award to cover 100 percent of tuition and specified fees plus \$300 per fall and spring semester for textbooks and college-related expenses;
- Expands eligibility for the Benacquisto Scholarship Program to include eligible students graduating from out of state;
- Revises the state-to-private match requirements for contributions to the First Generation Matching Grant Program from 1:1 to 2:1.
- Requires each state university board of trustees to adopt a resident and non-resident undergraduate block tuition policy for implementation by the fall 2018 semester.
- Strengthens “2+2” articulation by requiring each Florida College System institution to establish a “2+2” targeted pathway program.
- Requires school districts to provide notification to students about applying acceleration mechanism credit to a postsecondary degree; and
- Renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Program.

### **State University System Performance-Based Incentive**

The bill specifies that the State University System (SUS) performance-based metric for graduation rate must be a 4-year graduation rate. Currently, the 6-year and 4-year graduation rates for first-time-in-college (FTIC) students within the SUS are approximately 71 percent<sup>60</sup> and 44 percent,<sup>61</sup> respectively. During the 2015-16 academic year, the 6-year graduation rate ranged from approximately 39 percent at Florida Agricultural and Mechanical University (FAMU) to 87 percent at the University of Florida (UF).<sup>62</sup>

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<sup>57</sup> Id.

<sup>58</sup> Section 1007.271(9), F.S.

<sup>59</sup> Florida Department of Education, 2016-2017 Dual Enrollment Course—High School Subject Area Equivalency List, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

<sup>60</sup> State University System of Florida, 2014-2015 System Accountability Report, p.7, available at [http://www.flbog.edu/about/doc/budget/ar\\_2014-15/2014\\_15\\_System\\_Accountability\\_Report\\_Summary\\_FINAL\\_2016-04-28.pdf](http://www.flbog.edu/about/doc/budget/ar_2014-15/2014_15_System_Accountability_Report_Summary_FINAL_2016-04-28.pdf).

<sup>61</sup> State University System of Florida, 2014-15 System Accountability Report, p.13, available at: [http://www.flbog.edu/resources/doc/accountability/ar\\_2014-15/2014-15\\_System\\_Accountability\\_Report\\_APPENDIX\\_2016-03-18.pdf](http://www.flbog.edu/resources/doc/accountability/ar_2014-15/2014-15_System_Accountability_Report_APPENDIX_2016-03-18.pdf)

<sup>62</sup> State University System of Florida, 2014-2015 System Accountability Report, p.7, available at [http://www.flbog.edu/about/doc/budget/ar\\_2014-15/2014\\_15\\_System\\_Accountability\\_Report\\_Summary\\_FINAL\\_2016-04-28.pdf](http://www.flbog.edu/about/doc/budget/ar_2014-15/2014_15_System_Accountability_Report_Summary_FINAL_2016-04-28.pdf).

The 4-year graduation rate during the same period ranged from approximately 14 percent at FAMU to 68 percent at UF.<sup>63</sup>

#### 2011-15 4-YEAR GRADUATION RATES

	<b>cohort</b>	<b>graduated</b>	<b>%grad</b>
FAMU	2,013	270	13.4%
FAU	3,340	769	23.0%
FGCU	2,569	537	20.9%
FIU	4,477	1,146	25.6%
FSU	6,175	3,826	62.0%
NCF	237	135	57.0%
UCF	6,334	2,548	40.2%
UF	6,448	4,338	67.3%
UNF	1,778	525	29.5%
USF	4,066	1,957	48.1%
UWF	1,497	291	19.4%
<b>SUS (from same univ.)</b>	<b>38,934</b>	<b>16,342</b>	<b>42.0%</b>
<b>SUS (from any state univ.)</b>	<b>38,934</b>	<b>17,167</b>	<b>44.1%</b>

Notes: these university graduation rates report those that graduated from their institution. Please note that 4yr graduation rate methodology does not account for: (1) differences in program length - 18% of SUS programs require more than 120 credits hrs; (2) the university differences of students with dual majors; (3) university differences of students who pursue advanced graduated degrees (e.g., 3+2 programs).

#### Preeminent State Research Universities Program

Consistent with the emphasis on a 4-year graduation rate metric for the SUS Performance-Based Incentive program, the bill revises the full-time FTIC student graduation rate metric for the preeminent state research university program from a 6-year to a 4-year rate, and modifies the benchmark for the graduation rate metric from 70 percent to 50 percent. Additionally, this section requires the Board of Governors of the State University System (BOG) to calculate the graduation rate. Currently, the graduation rate is based on data reported annually to the Integrated Postsecondary Education Data System.<sup>64</sup>

#### *Emerging Preeminent State Research Universities*

The amount of funding provided to emerging preeminent state research universities is reduced from one-half to one-quarter of the total additional funding awarded to preeminent state research universities.

<sup>63</sup> State University System of Florida, 2014-15 System Accountability Report, p.13, available at: [http://www.flbog.edu/resources/\\_doc/accountability/ar\\_2014-15/2014-15\\_System\\_Accountability\\_Report\\_APPENDIX\\_2016-03-18.pdf](http://www.flbog.edu/resources/_doc/accountability/ar_2014-15/2014-15_System_Accountability_Report_APPENDIX_2016-03-18.pdf)

<sup>64</sup> The Integrated Postsecondary Education Data System (IPEDS) calculates the graduation rate as the total number of completers within 150% of normal time divided by the revised adjusted cohort. 2016-17 Glossary, available at <https://surveys.nces.ed.gov/ipeds/VisGlossaryAll.aspx>.

### *Unique Courses*

The bill eliminates the authority for the preeminent state research universities to require FTIC students to take a six-credit set of courses that is unique to their institution. Currently, UF lists two such courses and Florida State University lists 1 such course.

### *Programs of Excellence*

Consistent with efforts to strengthen institutional accountability to elevate the prominence of state universities, the bill changes from a recommendation to a requirement that the BOG establish standards and measures for programs of excellence throughout the SUS and specifies that the programs include undergraduate, graduate, and professional degrees. Additionally, this section requires the BOG to make recommendations to the Legislature for enhancing and promoting such programs by September 1, 2017.

### Florida College System Performance-Based Incentive

The bill revises the existing FCS performance metrics for awarding performance-based incentives to FCS institutions, and adds new metrics that emphasize on-time program completion. Specifically, the bill:

- Incorporates the excellence standards and benchmarks for the Distinguished College FCS institution program into the Florida College System Performance Based Incentive Program for all colleges;
- Adds a graduation rate metric for FTIC students in associate in arts (AA) programs who graduate with a baccalaureate degree in 4 years after initially enrolling in the AA programs; and
- Adds a college affordability metric, which must be adopted by the State Board of Education (SBE).

By incorporating the Distinguished Florida College System standards and benchmarks into the FCS Performance Based Incentive Program, a select few institutions would receive the majority of funding under the program. In addition, holding FCS institutions accountable for whether their graduates complete a baccalaureate degree at another institution in four years is problematic because the institution has no control over the student's progress once they transfer to a university.

### Distinguished Florida College System Institution Program

The bill emphasizes on-time graduation by revising the excellence standards for the Distinguished FCS Institution Program. Specifically, the bill:

- Changes the normal-time completion rate metric from 150 percent to 100 percent;
- Changes the normal-time completion rate metric for Pell Grant recipients from 150 percent to 100 percent;
- Specifies that the job placement metric must be based on the wage thresholds that reflect the added value of the applicable certificate or degree; and specifying that the continuing education and job placement metric does not apply to AA degrees; and
- Replaces the time-to-degree metric with an excess-hours rate metric of 40 percent or lower of AA degree recipients who graduate with 72 or more credit hours.

### Developmental Education

Currently, each FCS institution board of trustees is required to develop a plan to implement the developmental education strategies defined in law.<sup>65</sup>

The bill strengthens developmental education instruction provided by a state university by requiring the same instructional strategies.<sup>66</sup> As the only state university within the SUS that provides developmental education, FAMU<sup>67</sup> may need to revise its developmental education program to incorporate these developmental education strategies.

### Student Financial Aid and Tuition Assistance

The bill expands student financial aid and tuition assistance programs, which may help to address financial insecurity concerns of students, and their families, as they consider higher education options in Florida. These sections may assist students with paying for higher education, graduating on time, and incurring less education-related debt. Additionally, these sections may assist Florida's postsecondary education institutions in recruiting and retaining talented and qualified students.

### Florida Bright Futures Scholarship Program – Florida Academic Scholars

The bill increases the FAS award amount to cover 100 percent of public postsecondary education institution tuition and certain tuition-indexed fees<sup>68</sup> plus \$300 for textbooks and college-related expenses during fall and spring terms, beginning in the fall 2017 semester.

The table below shows the current and projected FAS award per credit hour:

Current 2016-17 FAS Per-Credit-Hour Award <sup>69</sup>	Projected 2017-18 FAS Average Per-Credit-Hour Award
\$103 at 4-year institutions	\$198.11 at 4-year institutions <sup>70</sup>
\$63 at two-year institutions	\$106.74 at two-year institutions <sup>71</sup>

Increasing the FAS award should make postsecondary education more affordable for eligible students. The bill may also help with retaining Florida's talented students in the state since these students have a greater financial incentive to attend a Florida institution.

For 2017-18, the estimated appropriation for Bright Futures is \$208.4 million. Of the \$208.4 million, \$195.5 million is the estimated cost for FAS awards. The change in the FAS award to 100 percent of tuition and specified fees is estimated to cost an additional \$125.7M for 44,596 students in the 2017-18 fiscal year. The bill also includes \$300 per semester for textbooks and other education-related expenses, which is estimated to cost \$26.2 million. The total additional cost for FAS awards is estimated to be \$151.9 million in the 2017-18 fiscal year.

<sup>66</sup> Section 1008.02, F.S.

<sup>67</sup> BOG Regulation 6.008(1).

<sup>68</sup> The tuition-indexed fees specified in HB 3 include financial aid, capital improvements, technology enhancements, equipping buildings, or the acquisition of improved real property, and technology (s. 1009.22, F.S.); activity and service, financial aid, technology, capital improvements, technology enhancements, and equipping student buildings or the acquisition of improved real property (s. 1009.23, F.S.); financial aid, Capital Improvement Trust Fund, activity and service, health, athletic, technology, transportation access, and includes the tuition differential (s. 1009.24, F.S.).

<sup>69</sup> Specific Appropriation 4, Ch. 2016-66, L.O.F.

<sup>70</sup> State University System of Florida, Tuition and Required Fees, 2016-17, available at

[http://www.flbog.edu/about/doc/budget/tuition/Tuition\\_Fees\\_%202016-17.pdf](http://www.flbog.edu/about/doc/budget/tuition/Tuition_Fees_%202016-17.pdf).

<sup>71</sup> Florida Department of Education, Florida College System, 2016 Fact Book, Table 7.8T, available at

<http://fldoe.org/core/fileparse.php/15267/urlt/FactBook2016.pdf>.

## Benacquisto Scholarship Program

The bill modifies eligibility requirements for the Benacquisto Scholarship Program to attract qualified students from out-of-state and assist these students in paying for higher education in Florida, graduate on time, and incur less education-related debt. Specifically, the bill:

- Establishes student eligibility criteria, which only apply to students who are not residents of the state and who initially enroll in a baccalaureate degree program in the 2017-2018 academic year or thereafter, requiring such students to:
  - Physically reside in Florida on or near the campus of the postsecondary education institution in which they enroll;
  - Earn a high school diploma or equivalent or complete a home education program, comparable to Florida; and
  - Be accepted by and enroll full-time in a baccalaureate degree program at an eligible regionally accredited public or private postsecondary education institution.

The bill expands the scholarship program to fund out-of-state who attend:

- A public postsecondary education institution, the award amount must be equal to the institutional cost of attendance<sup>72</sup> for a resident of the state less the student's National Merit Scholarship. Such student is exempt from out-of-state fees.
- A private postsecondary education institution, the award amount must be equal to the highest cost of attendance<sup>73</sup> for a resident of the state enrolled at a state university, less the student's National Merit Scholarship.

Of the 320 National Merit Scholars (NMS) and National Achievement Scholars (NAS) who initially enrolled in a Florida college or university in the 2015-16 academic year,<sup>74</sup> 266 received an initial award as a Benacquisto Scholar.<sup>75</sup> The other 54 NMS who enrolled in a Florida university during the 2015-16 academic year most likely graduated from out-of-state high schools, and thus were not eligible for the Benacquisto Scholarship. If this number of students remains constant for the 2017-18 academic year, and these out-of-state students otherwise meet the eligibility requirements, the cost to fund out-of-state students is estimated to be \$1.1 million.

## First Generation Matching Grant Program

The bill expands need-based financial aid by revising the state to private match requirements from a 1:1 match to a 2:1 match. In Fiscal Year 2015-16, 8,234 initial and renewal students received an average award of \$1,289.45, with 13,700 unfunded eligible students reported by postsecondary education institutions.<sup>76</sup> The increase in the state matching contribution may raise the award amount and make more awards available for eligible students, which may help these students to graduate on time.

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<sup>72</sup>The 2016-17 cost of attendance on campus for full time undergraduate Florida resident students includes tuition and fees, books and supplies, room and board, transportation, and other expenses; the average annual cost of attendance for the State University System is \$21,534.98. Board of Governors, Fall/Spring Cost of Attendance On-Campus for Full-Time Undergraduate Florida Residents 2016-17, available at [http://www.flbog.edu/about/doc/budget/attendance/CostAttendance2016\\_17\\_FINAL.xlsx](http://www.flbog.edu/about/doc/budget/attendance/CostAttendance2016_17_FINAL.xlsx).

<sup>73</sup>The highest State University System cost of attendance in 2016-17 is \$23,463 at Florida International University.

<sup>74</sup>National Merit Scholarship Corporation, 2014-15 Annual Report (Oct. 31, 2015), available at [http://www.nationalmerit.org/s/1758/images/gid2/editor\\_documents/annual\\_report.pdf](http://www.nationalmerit.org/s/1758/images/gid2/editor_documents/annual_report.pdf)

<sup>75</sup>Florida Department of Education, Office of Student Financial Assistance, End-of-Year Report, 2015-16, Benacquisto Scholarship (FIS), available at: [https://www.floridastudentfinancialaidsg.org/pdf/EOY\\_Reports/2015-16/FIS\\_2015\\_2016.pdf](https://www.floridastudentfinancialaidsg.org/pdf/EOY_Reports/2015-16/FIS_2015_2016.pdf).

<sup>76</sup>Florida Department of Education, Office of Student Financial Assistance, End-of-Year Report, 2015-16, First Generation Matching Grant Program (FGMG), available at [https://www.floridastudentfinancialaidsg.org/pdf/EOY\\_Reports/2015-16/FGMG\\_2015\\_2016.pdf](https://www.floridastudentfinancialaidsg.org/pdf/EOY_Reports/2015-16/FGMG_2015_2016.pdf).

### William L. Boyd, IV, Florida Resident Access Grant (FRAG)

The bill renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program, but does not change any eligibility requirements or parameters for the program.

### Block Tuition

The bill requires each state university board of trustees to adopt, for implementation by the fall 2018 semester, a block tuition policy for resident and non-resident undergraduate students. Under such a policy, students may take additional courses without paying increased tuition, which gives students a financial incentive to take more courses within an academic term or year and which may help students to graduate earlier.<sup>77</sup>

### 2+2 Articulation and Academic Notification

The bill strengthens “2+2” articulation and improves academic notification by creating mechanisms for expanding locally-developed targeted “2+2” articulation agreements and requiring school districts to provide notification to students about applying acceleration mechanism credit to a postsecondary degree.

### 2+2 Targeted Pathway Program

The bill reinforces the state’s intent to assist students enrolled in associate in arts (AA) degree programs to graduate on time, transfer to a baccalaureate degree program, and complete the baccalaureate degree within 4 years. Accordingly, the bill establishes the “2+2” targeted pathway program to strengthen Florida’s “2+2” system of articulation and improve student retention and on-time graduation. Specifically the bill:

- Requires each Florida College System institution to execute at least one “2+2” targeted pathway articulation agreement with one or more state universities.
- Requires the “2+2” targeted pathway articulation agreement to provide students who meet specified requirements guaranteed access to the state university and baccalaureate degree program in accordance with the terms of the agreement.
- Establishes student eligibility criteria to participate in a “2+2” targeted pathway articulation agreement. A student must:
  - Enroll in the program before completing 30 credit hours.
  - Complete an associate in arts degree.
  - Meet the university’s transfer admission requirements.

Establishes requirements for state universities that execute “2+2” targeted pathway articulation agreements with their partner public college. A state university must:

- Establish a 4-year on-time graduation plan for a baccalaureate degree program.
- Advise students enrolled in the program about the university’s transfer and degree program requirements.
- Provide students access to academic advisors and campus events, and guarantee admittance to the state university and degree program.

Requires the SBE and BOG to collaborate to eliminate barriers to executing “2+2” targeted pathway articulation agreements.

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<sup>77</sup> Office of Program Policy and Government Accountability (OPPAGA), The State Has Several Options Available When Considering the Funding of Higher Education, Report 04-54, August 2004.

The “2+2” targeted pathway program is consistent with recent efforts by state universities and Florida College System institutions to strengthen regional articulation. The statewide “2+2” articulation agreement established in law<sup>78</sup> does not require a 4-year graduation plan and does not guarantee access to a specific university or degree program. To provide students a path to on-time graduation in 4 years with a baccalaureate degree, some state universities have established articulation agreements with regional Florida College System institutions.<sup>79</sup> For instance, the “DirectConnect to UCF”<sup>80</sup> guarantees admission to the University of Central Florida (UCF) with an associate degree from a partner institution, and offers university advising to develop an academic plan and access to UCF campuses for services and events. Similarly, the University of South Florida (USF) “FUSE” program<sup>81</sup> offers students guaranteed admission to a USF System institution. The FUSE program creates an academic pathway that provides a map for taking required courses, advising at USF and the partner institution regarding university requirements, a specially-designed orientation session for 2+2 students at the beginning of the program, and access to USF facilities and events.

### Academic Notification

The bill requires district school boards to notify students who enroll in acceleration mechanism courses or take exams about the credit-by-examination equivalency list and dual enrollment and high school subject area equivalency list. The notification requirement promotes targeted student advising at the secondary school level to inform students about generating college credits through certain acceleration mechanism courses and exams, and applying such credits purposefully to a postsecondary certificate or degree program, to ensure students receive credit for such courses and exams taken during high school. As a result, the notification may also assist students with higher education planning and affordability considerations.

The bill takes effect July 1, 2017.

## B. SECTION DIRECTORY:

**Section 1.** Names the act the “Florida Excellence in Higher Education Act of 2017.”

**Section 2.** Amends s. 10091.66, F.S., revising performance metrics for the Florida College System Performance-Based Incentive.

**Section 3.** Amends s. 1001.67, F.S., revising excellence standards and benchmarks for the Distinguished Florida College System Institution Program.

**Section 4.** Amends section 1001.7065, F.S., revising the excellence standards and benchmarks for the Preeminent State Research Universities program; reducing funding available for emerging preeminent state research universities; removing authority for institutions to require a set of unique courses; and requiring the Board of Governors to establish standards and measures for programs of national excellence.

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<sup>78</sup> Section 1007.23(2), F.S.

<sup>79</sup> Examples of regional articulation agreements are the “DirectConnect to UCF,” the University of South Florida “FUSE” program, “TCC2FSU,” “TCC2FAMU,” “FIU Connect4Success,” “Link to FAU,” “2UWF Transfer Student Partnership,” and “UNF/SJR Gateway.” The Florida Senate staff analysis.

<sup>80</sup> University of Central Florida, Presentation to the Senate Committee on Education, DirectConnect to UCF (Dec. 12, 2016), available at <http://www.flsenate.gov/Committees/Show/ED/Meeting%20Packet/3540/>.

<sup>81</sup> University of South Florida, Presentation to the Senate Committee on Education, FUSE (Dec. 12, 2016), available at [http://www.flbog.edu/documents\\_meetings/0199\\_0978\\_7295\\_6.3.2%202+2%2003b\\_AA%20Transfer%20data%20points\\_JMI.pdf.p:/www.flsenate.gov/Committees/Show/ED/Meeting%20Packet/3540/](http://www.flbog.edu/documents_meetings/0199_0978_7295_6.3.2%202+2%2003b_AA%20Transfer%20data%20points_JMI.pdf.p:/www.flsenate.gov/Committees/Show/ED/Meeting%20Packet/3540/).



**Section 5.** Amends s. 1001.92, F.S., adjusting the graduation rate metric for the State University System Performance-Based Incentive.

**Section 6.** Amends s. 1007.23, F.S., requiring the establishment of 2+2 targeted pathway articulation agreements.

**Section 7.** Amends s. 1007.27, F.S., requiring school boards to notify students and parents regarding acceleration mechanisms.

**Section 8.** Amends s. 1008.30, F.S., revising developmental education instruction at a state university.

**Section 9.** Amends s. 1009.22, F.S., providing authority for the payment of specific postsecondary workforce education fees with the Florida Academic Scholars award;

**Section 10.** Amends s. 1009.23, F.S., providing authority for the payment of specific Florida College System fees with the Florida Academic Scholars award;

**Section 11.** Amends s. 1009.24, F.S., providing authority for the payment of specific state university fees with the Florida Academic Scholars award; requiring each state university board of trustees to adopt a block tuition policy for implementation by fall 2018.

**Section 12.** Amends s. 1009.534, F.S., revising award amount for the Florida Academic Scholars award.

**Section 13.** Amends s. 1009.701, F.S., revising the contribution rations for the First Generation Matching Grant Program.

**Section 14.** Amends s. 1009.89, F.S., changing the name of the Florida Resident Access Grant (FRAG) to the Effective Access to Student Education (EASE) grant.

**Section 15.** Amends s. 1009.893, F.S., revising eligibility requirements for the Benacquisto Scholarship Program.

**Section 16.** This bill has an effective date of July 1, 2017.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides additional financial aid and tuition assistance to Florida students and families by:

- Providing students who qualify for the Florida Academic Scholars (FAS) award an increased tuition and fee benefit, plus \$300 for textbooks and college-related expenses in the fall and spring terms, which will reduce the out-of-pocket cost of education for these students. This may increase the average FAS award by approximately \$3,063 over the average 2015-16 award, from \$2,581 to \$5,644.
- Doubling the state match for the First Generation in College Matching Grant, which is likely to make the matching grant available to more students, or result in an increased award amount. The average award could double from \$1,289 to \$2,578 or additional students could be served at the same award amount.
- Requiring a block tuition policy that may provide a cost savings to students, but the potential savings are indeterminate.

The bill provides financial aid to out-of-state students by:

- Expanding the Benacquisto Scholarship Program to include out-of-state National Merit Scholar students who are accepted by and enroll in an eligible Florida postsecondary education institution, which is likely to provide a cost savings to such students. These students will be eligible for an annual award of approximately \$20,500.

D. FISCAL COMMENTS:

The bill has the following estimated fiscal impact:

- For 2017-18, the estimated appropriation for Bright Futures is \$208.4 million. Of the \$208.4 million, \$195.5 million is the estimated cost for FAS awards. The change in the FAS award to 100 percent of tuition and specified fees is estimated to cost an additional \$125.7M for 44,596 students in the 2017-18 fiscal year. The bill also includes \$300 per semester for textbooks and other education-related expenses, which is estimated to cost \$26.2 million. The total additional cost for FAS awards is estimated to be \$151.9 million in the 2017-18 fiscal year.
- The institutional match is already being met for the current state appropriation of \$5.3 million. Increasing the state match would double the state appropriation, which could be used to provide additional scholarships, increase current scholarship awards, or a combination of both. In Fiscal Year 2015-16, 8,234 students received an average award of \$1,289.45.
- Revises the state university and Florida College System performance funding programs, which has no state fiscal impact. However, such revisions may influence institutional performance relating to the revised metrics, and therefore affect the performance-funding distribution.
- Requires a block tuition policy that may not increase the state's fiscal liability or obligation. However, block tuition policies will have a negative impact on tuition revenue collected by state universities if students enroll in additional credit hours for which they are not required to pay tuition and fees.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 6 of the bill refers to the "Florida Community College System" and the "State Board of Community Colleges" which do not currently exist in statute and are not referenced anywhere else in the bill.

The bill does not specify whether priority should be given to funding more scholarships or increasing the amount of funding awarded per scholarship with the increased funds generated through the First Generation Matching Grant Program.

The bill does not specify the type of block tuition policy that must be adopted, however, current law stipulates that any proposed block tuition policy may not increase the state's fiscal liability or obligation. It is unclear what type of block tuition policy would meet the criteria. In addition, the bill does not require uniformity of implementation across institutions.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1                   A bill to be entitled  
 2           An act relating to higher education; providing a short  
 3           title; amending s. 1001.66, F.S.; revising  
 4           requirements for the performance-based metrics used to  
 5           award Florida College System institutions with  
 6           performance-based incentives; amending s. 1001.67,  
 7           F.S.; revising the Distinguished Florida College  
 8           System Institution Program excellence standards  
 9           requirements; amending s. 1001.7065, F.S.; revising  
 10          the preeminent state research universities program  
 11          graduation rate requirements and funding  
 12          distributions; deleting the authority for such  
 13          universities to stipulate a special course requirement  
 14          for incoming students; requiring the Board of  
 15          Governors to establish certain standards by a  
 16          specified date; amending s. 1001.92, F.S.; requiring  
 17          certain performance-based metrics to include specified  
 18          graduation rates; amending s. 1007.23, F.S.; requiring  
 19          each Florida Community College System institution to  
 20          execute at least one "2+2" Targeted Pathway  
 21          articulation agreement by a specified time; providing  
 22          requirements and student eligibility for the  
 23          agreements; requiring the State Board of Community  
 24          Colleges and the Board of Governors to collaborate to  
 25          eliminate barriers for the agreements; amending s.

26 1007.27, F.S.; requiring school districts to notify  
 27 students about certain lists and equivalencies;  
 28 amending s. 1008.30, F.S.; providing that certain  
 29 state universities may continue to provide  
 30 developmental education instruction; amending ss.  
 31 1009.22 and 1009.23, F.S.; revising the prohibition on  
 32 the inclusion of a technology fee in the Florida  
 33 Bright Futures Scholarship Program award; amending s.  
 34 1009.24, F.S.; revising the prohibition on the  
 35 inclusion of a technology fee in the Florida Bright  
 36 Futures Scholarship Program award; requiring each  
 37 state university board of trustees to implement a  
 38 block tuition policy for specified undergraduate  
 39 students or undergraduate-level courses by a specified  
 40 time; revising the conditions for differential  
 41 tuition; amending s. 1009.534, F.S.; specifying  
 42 Florida Academic Scholars award amounts to cover  
 43 tuition, fees, textbooks, and other college-related  
 44 expenses; amending s. 1009.701, F.S.; revising the  
 45 state-to-private match requirement for contributions  
 46 to the First Generation Matching Grant Program;  
 47 amending s. 1009.89, F.S.; renaming the Florida  
 48 Resident Access Grant Program; amending s. 1009.893,  
 49 F.S.; extending coverage of Benacquisto Scholarships  
 50 to include tuition and fees for qualified nonresident

51 students; providing a directive to the Division of Law  
 52 Revision and Information; providing an effective date.

53

54 Be It Enacted by the Legislature of the State of Florida:

55

56 Section 1. This act shall be cited as the "Florida  
 57 Excellence in Higher Education Act of 2017."

58 Section 2. Subsection (1) of section 1001.66, Florida  
 59 Statutes, is amended to read:

60 1001.66 Florida College System Performance-Based  
 61 Incentive.—

62 (1) The following performance-based metrics must be used  
 63 in awarding a Florida College System Performance-Based Incentive  
 64 ~~shall be awarded to a Florida College System institution:~~  
 65 ~~institutions using performance-based metrics~~

66 (a) The distinguished college performance measures and  
 67 respective excellence standards specified in s. 1001.67(1);

68 (b) A graduation rate for first-time-in-college students  
 69 enrolled in an associate of arts degree program who graduate  
 70 with a baccalaureate degree in 4 years after initially enrolling  
 71 in an associates of arts degree program; and

72 (c) One performance-based metric on college affordability  
 73 adopted by the State Board of Education. ~~The performance-based~~  
 74 ~~metrics must include retention rates; program completion and~~  
 75 ~~graduation rates; postgraduation employment, salaries, and~~

76 ~~continuing education for workforce education and baccalaureate~~  
 77 ~~programs, with wage thresholds that reflect the added value of~~  
 78 ~~the certificate or degree; and outcome measures appropriate for~~  
 79 ~~associate of arts degree recipients.~~

80

81 The state board shall adopt benchmarks to evaluate each  
 82 institution's performance on the metrics to measure the  
 83 institution's achievement of institutional excellence or need  
 84 for improvement and ~~the~~ minimum requirements for eligibility to  
 85 receive performance funding.

86 Section 3. Subsection (1) of section 1001.67, Florida  
 87 Statutes, is amended to read:

88 1001.67 Distinguished Florida College System Institution  
 89 Program.—A collaborative partnership is established between the  
 90 State Board of Education and the Legislature to recognize the  
 91 excellence of Florida's highest-performing Florida College  
 92 System institutions.

93 (1) EXCELLENCE STANDARDS.—The following excellence  
 94 standards are established for the program:

95 (a) A 100 ~~150~~ percent-of-normal-time completion rate of 50  
 96 percent or higher, as calculated by the Division of Florida  
 97 Colleges.

98 (b) A 100 ~~150~~ percent-of-normal-time completion rate for  
 99 Pell Grant recipients of 40 percent or higher, as calculated by  
 100 the Division of Florida Colleges.

101 (c) A retention rate of 70 percent or higher, as  
 102 calculated by the Division of Florida Colleges.

103 (d) A continuing education, or transfer, rate of 72  
 104 percent or higher for students graduating with an associate of  
 105 arts degree, as reported by the Florida Education and Training  
 106 Placement Information Program (FETPIP).

107 (e) A licensure passage rate on the National Council  
 108 Licensure Examination for Registered Nurses (NCLEX-RN) of 90  
 109 percent or higher for first-time exam takers, as reported by the  
 110 Board of Nursing.

111 (f) A ~~job placement or~~ continuing education or job  
 112 placement rate of 88 percent or higher for workforce programs,  
 113 as reported by FETPIP, with wage thresholds that reflect the  
 114 added value of the applicable certificate or degree. This  
 115 paragraph does not apply to associate of arts degrees.

116 (g) An excess hours rate of 40 percent or lower for A  
 117 ~~time to degree for students graduating with an~~ associate of arts  
 118 degree recipients who graduate with 72 or more credit hours, as  
 119 calculated by the Division of Florida Colleges of 2.25 years or  
 120 ~~less for first-time-in-college students with accelerated college~~  
 121 ~~credits, as reported by the Southern Regional Education Board.~~

122 Section 4. Paragraph (d) of subsection (2), paragraph (c)  
 123 of subsection (5), and subsections (6), (7), and (8) of section  
 124 1001.7065, Florida Statutes, are amended to read:

125 1001.7065 Preeminent state research universities program.-



126 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The  
 127 following academic and research excellence standards are  
 128 established for the preeminent state research universities  
 129 program:

130 (d) A 4-year ~~6-year~~ graduation rate of 50 ~~70~~ percent or  
 131 higher for full-time, first-time-in-college students, as  
 132 calculated by the Board of Governors ~~reported annually to the~~  
 133 ~~IPEDS~~.

134 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM  
 135 SUPPORT.—

136 (c) The award of funds under this subsection is contingent  
 137 upon funding provided in the General Appropriations Act to  
 138 support the preeminent state research universities program  
 139 created under this section. Funding increases appropriated  
 140 beyond the amounts funded in the previous fiscal year shall be  
 141 distributed as follows:

142 1. Each designated preeminent state research university  
 143 that meets the criteria in paragraph (a) shall receive an equal  
 144 amount of funding.

145 2. Each designated emerging preeminent state research  
 146 university that meets the criteria in paragraph (b) shall  
 147 receive an amount of funding that is equal to one-fourth ~~one-~~  
 148 ~~half~~ of the total increased amount awarded to each designated  
 149 preeminent state research university.

150 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE~~

151 ~~REQUIREMENT AUTHORITY.—In order to provide a jointly shared~~  
 152 ~~educational experience, a university that is designated a~~  
 153 ~~preeminent state research university may require its incoming~~  
 154 ~~first-time-in-college students to take a six-credit set of~~  
 155 ~~unique courses specifically determined by the university and~~  
 156 ~~published on the university's website. The university may~~  
 157 ~~stipulate that credit for such courses may not be earned through~~  
 158 ~~any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271~~  
 159 ~~or any other transfer credit. All accelerated credits earned up~~  
 160 ~~to the limits specified in ss. 1007.27 and 1007.271 shall be~~  
 161 ~~applied toward graduation at the student's request.~~

162 (6)~~(7)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY  
 163 AUTHORITY.—The Board of Governors is encouraged to identify and  
 164 grant all reasonable, feasible authority and flexibility to  
 165 ensure that each designated preeminent state research university  
 166 and each designated emerging preeminent state research  
 167 university is free from unnecessary restrictions.

168 (7)~~(8)~~ PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE  
 169 UNIVERSITY SYSTEM.—The Board of Governors shall ~~is encouraged to~~  
 170 establish standards and measures whereby individual  
 171 undergraduate, graduate, and professional degree programs in  
 172 state universities which ~~that~~ objectively reflect national  
 173 excellence can be identified and make recommendations to the  
 174 Legislature by September 1, 2017, as to how any such programs  
 175 could be enhanced and promoted.

176 Section 5. Subsection (1) of section 1001.92, Florida  
 177 Statutes, is amended to read:

178 1001.92 State University System Performance-Based  
 179 Incentive.-

180 (1) A State University System Performance-Based Incentive  
 181 shall be awarded to state universities using performance-based  
 182 metrics adopted by the Board of Governors of the State  
 183 University System. The performance-based metrics must include 4-  
 184 year graduation rates; retention rates; postgraduation education  
 185 rates; degree production; affordability; postgraduation  
 186 employment and salaries, including wage thresholds that reflect  
 187 the added value of a baccalaureate degree; access; and other  
 188 metrics approved by the board in a formally noticed meeting. The  
 189 board shall adopt benchmarks to evaluate each state university's  
 190 performance on the metrics to measure the state university's  
 191 achievement of institutional excellence or need for improvement  
 192 and minimum requirements for eligibility to receive performance  
 193 funding.

194 Section 6. Subsection (7) is added to section 1007.23,  
 195 Florida Statutes, to read:

196 1007.23 Statewide articulation agreement.-

197 (7) To strengthen Florida's "2+2" system of articulation  
 198 and improve student retention and on-time graduation, by the  
 199 2018-2019 academic year, each Florida Community College System  
 200 institution shall execute at least one "2+2" targeted pathway

201 articulation agreement with one or more state universities to  
 202 establish "2+2" targeted pathway programs. The agreement must  
 203 provide students who graduate with an associate in arts degree  
 204 and who meet specified requirements guaranteed access to the  
 205 state university and a degree program at that university, in  
 206 accordance with the terms of the "2+2" targeted pathway  
 207 articulation agreement.

208 (a) To participate in a "2+2" targeted pathway program, a  
 209 student must:

210 1. Enroll in the program before completing 30 credit  
 211 hours, including, but not limited to, college credits earned  
 212 through articulated acceleration mechanisms pursuant to s.  
 213 1007.27;

214 2. Complete an associate in arts degree; and

215 3. Meet the university's transfer requirements.

216 (b) A state university that executes a "2+2" targeted  
 217 pathway articulation agreement must meet the following  
 218 requirements in order to implement a "2+2" targeted pathway  
 219 program in collaboration with its partner Florida Community  
 220 College System institution:

221 1. Establish a 4-year on-time graduation plan for a  
 222 baccalaureate degree program, including, but not limited to, a  
 223 plan for students to complete associate in arts degree programs,  
 224 general education courses, common prerequisite courses, and  
 225 elective courses;

226        2. Advise students enrolled in the program about the  
 227 university's transfer and degree program requirements; and  
 228        3. Provide students who meet the requirements under this  
 229 paragraph with access to academic advisors and campus events and  
 230 with guaranteed admittance to the state university and a degree  
 231 program of the state university, in accordance with the terms of  
 232 the agreement.

233        (c) To assist the state universities and Florida Community  
 234 College institutions with implementing the "2+2" targeted  
 235 pathway programs effectively, the State Board of Community  
 236 Colleges and the Board of Governors shall collaborate to  
 237 eliminate barriers in executing "2+2" targeted pathway  
 238 articulation agreements.

239        Section 7. Subsection (2) of section 1007.27, Florida  
 240 Statutes, is amended to read:

241        1007.27 Articulated acceleration mechanisms.-

242        (2) (a) The Department of Education shall annually identify  
 243 and publish the minimum scores, maximum credit, and course or  
 244 courses for which credit is to be awarded for each College Level  
 245 Examination Program (CLEP) subject examination, College Board  
 246 Advanced Placement Program examination, Advanced International  
 247 Certificate of Education examination, International  
 248 Baccalaureate examination, Excelsior College subject  
 249 examination, Defense Activity for Non-Traditional Education  
 250 Support (DANTES) subject standardized test, and Defense Language

251 Proficiency Test (DLPT). The department shall use student  
 252 performance data in subsequent postsecondary courses to  
 253 determine the appropriate examination scores and courses for  
 254 which credit is to be granted. Minimum scores may vary by  
 255 subject area based on available performance data. In addition,  
 256 the department shall identify such courses in the general  
 257 education core curriculum of each state university and Florida  
 258 College System institution.

259 (b) Each district school board shall notify students who  
 260 enroll in articulated acceleration mechanism courses or take  
 261 examinations pursuant to this section of the credit-by-  
 262 examination equivalency list adopted by rule by the State Board  
 263 of Education and the dual enrollment course and high school  
 264 subject area equivalencies approved by the state board pursuant  
 265 to s. 1007.271(9).

266 Section 8. Paragraph (c) of subsection (5) of section  
 267 1008.30, Florida Statutes, is amended to read:

268 1008.30 Common placement testing for public postsecondary  
 269 education.—

270 (5)

271 (c) A university board of trustees may contract with a  
 272 Florida College System institution board of trustees for the  
 273 Florida College System institution to provide developmental  
 274 education on the state university campus. Any state university  
 275 in which the percentage of incoming students requiring

276 developmental education equals or exceeds the average percentage  
 277 of such students for the Florida College System may offer  
 278 developmental education without contracting with a Florida  
 279 College System institution; however, any state university  
 280 offering college-preparatory instruction as of January 1, 1996,  
 281 may continue to provide developmental education instruction  
 282 pursuant to s. 1008.02(1) ~~such services~~.

283 Section 9. Subsection (7) of section 1009.22, Florida  
 284 Statutes, is amended to read:

285 1009.22 Workforce education postsecondary student fees.—

286 (7) Each district school board and Florida College System  
 287 institution board of trustees is authorized to establish a  
 288 separate fee for technology, not to exceed 5 percent of tuition  
 289 per credit hour or credit-hour equivalent for resident students  
 290 and not to exceed 5 percent of tuition and the out-of-state fee  
 291 per credit hour or credit-hour equivalent for nonresident  
 292 students. Revenues generated from the technology fee shall be  
 293 used to enhance instructional technology resources for students  
 294 and faculty and may ~~shall~~ not be included in an ~~any~~ award under  
 295 the Florida Bright Futures Scholarship Program, except as  
 296 authorized for the Florida Academic Scholars award under s.  
 297 1009.534. Fifty percent of technology fee revenues may be  
 298 pledged by a Florida College System institution board of  
 299 trustees as a dedicated revenue source for the repayment of  
 300 debt, including lease-purchase agreements, not to exceed the

301 useful life of the asset being financed. Revenues generated from  
 302 the technology fee may not be bonded.

303 Section 10. Subsection (10) of section 1009.23, Florida  
 304 Statutes, is amended to read:

305 1009.23 Florida College System institution student fees.—

306 (10) Each Florida College System institution board of  
 307 trustees is authorized to establish a separate fee for  
 308 technology, which may not exceed 5 percent of tuition per credit  
 309 hour or credit-hour equivalent for resident students and may not  
 310 exceed 5 percent of tuition and the out-of-state fee per credit  
 311 hour or credit-hour equivalent for nonresident students.

312 Revenues generated from the technology fee shall be used to  
 313 enhance instructional technology resources for students and  
 314 faculty. The technology fee may apply to both college credit and  
 315 developmental education and may ~~shall~~ not be included in an ~~any~~  
 316 award under the Florida Bright Futures Scholarship Program,  
 317 except as authorized for the Florida Academic Scholars award  
 318 under s. 1009.534. Fifty percent of technology fee revenues may  
 319 be pledged by a Florida College System institution board of  
 320 trustees as a dedicated revenue source for the repayment of  
 321 debt, including lease-purchase agreements, not to exceed the  
 322 useful life of the asset being financed. Revenues generated from  
 323 the technology fee may not be bonded.

324 Section 11. Subsection (13), paragraph (a) of subsection  
 325 (15), and paragraph (b) of subsection (16) of section 1009.24,



326 Florida Statutes, are amended to read:

327 1009.24 State university student fees.—

328 (13) Each university board of trustees may establish a  
 329 technology fee of up to 5 percent of the tuition per credit  
 330 hour. The revenue from this fee shall be used to enhance  
 331 instructional technology resources for students and faculty. The  
 332 technology fee may not be included in an ~~any~~ award under the  
 333 Florida Bright Futures Scholarship Program established pursuant  
 334 to ss. 1009.53-1009.538, except as authorized for the Florida  
 335 Academic Scholars award under s. 1009.534.

336 (15)(a) The Board of Governors may approve:

337 1. A proposal from a university board of trustees to  
 338 establish a new student fee that is not specifically authorized  
 339 by this section.

340 2. A proposal from a university board of trustees to  
 341 increase the current cap for an existing fee authorized pursuant  
 342 to paragraphs (14)(a)-(g).

343 3. A proposal from a university board of trustees to  
 344 implement flexible tuition policies, such as undergraduate or  
 345 graduate block tuition, block tuition differential, or market  
 346 tuition rates for graduate-level online courses or graduate-  
 347 level courses offered through a university's continuing  
 348 education program. A block tuition policy for resident  
 349 undergraduate students or undergraduate-level courses must ~~shall~~  
 350 be adopted by each university board of trustees for

351 implementation by the fall 2018 academic semester and must be  
 352 based on the per-credit-hour undergraduate tuition established  
 353 under subsection (4). A block tuition policy for nonresident  
 354 undergraduate students must ~~shall~~ be adopted by each university  
 355 board of trustees for implementation by the fall 2018 academic  
 356 semester and must be based on the per-credit-hour undergraduate  
 357 tuition and out-of-state fee established under subsection (4).  
 358 Flexible tuition policies, including block tuition, may not  
 359 increase the state's fiscal liability or obligation.

360 (16) Each university board of trustees may establish a  
 361 tuition differential for undergraduate courses upon receipt of  
 362 approval from the Board of Governors. However, beginning July 1,  
 363 2014, the Board of Governors may only approve the establishment  
 364 of or an increase in tuition differential for a state research  
 365 university designated as a preeminent state research university  
 366 pursuant to s. 1001.7065(3). The tuition differential shall  
 367 promote improvements in the quality of undergraduate education  
 368 and shall provide financial aid to undergraduate students who  
 369 exhibit financial need.

370 (b) Each tuition differential is subject to the following  
 371 conditions:

372 1. The tuition differential may be assessed on one or more  
 373 undergraduate courses or on all undergraduate courses at a state  
 374 university.

375 2. The tuition differential may vary by course or courses,

376 by campus or center location, and by institution. Each  
 377 university board of trustees shall strive to maintain and  
 378 increase enrollment in degree programs related to math, science,  
 379 high technology, and other state or regional high-need fields  
 380 when establishing tuition differentials by course.

381 3. For each state university that is designated as a  
 382 preeminent state research university by the Board of Governors,  
 383 pursuant to s. 1001.7065, the aggregate sum of tuition and the  
 384 tuition differential may be increased by no more than 6 percent  
 385 of the total charged for the aggregate sum of these fees in the  
 386 preceding fiscal year. The tuition differential may be increased  
 387 if the university meets or exceeds performance standard targets  
 388 for that university established annually by the Board of  
 389 Governors for the following performance standards, amounting to  
 390 no more than a 2-percent increase in the tuition differential  
 391 for each performance standard:

392 a. An increase in the 4-year ~~6-year~~ graduation rate for  
 393 full-time, first-time-in-college students, as calculated by the  
 394 Board of Governors ~~reported annually to the Integrated~~  
 395 ~~Postsecondary Education Data System.~~

396 b. An increase in the total annual research expenditures.

397 c. An increase in the total patents awarded by the United  
 398 States Patent and Trademark Office for the most recent years.

399 4. The aggregate sum of undergraduate tuition and fees per  
 400 credit hour, including the tuition differential, may not exceed

401 the national average of undergraduate tuition and fees at 4-year  
 402 degree-granting public postsecondary educational institutions.

403 5. The tuition differential shall not be included in an  
 404 ~~any~~ award under the Florida Bright Futures Scholarship Program  
 405 established pursuant to ss. 1009.53-1009.538, except as  
 406 authorized for the Florida Academic Scholars award under s.  
 407 1009.534.

408 6. Beneficiaries having prepaid tuition contracts pursuant  
 409 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and  
 410 which remain in effect, are exempt from the payment of the  
 411 tuition differential.

412 7. The tuition differential may not be charged to any  
 413 student who was in attendance at the university before July 1,  
 414 2007, and who maintains continuous enrollment.

415 8. The tuition differential may be waived by the  
 416 university for students who meet the eligibility requirements  
 417 for the Florida public student assistance grant established in  
 418 s. 1009.50.

419 9. Subject to approval by the Board of Governors, the  
 420 tuition differential authorized pursuant to this subsection may  
 421 take effect with the 2009 fall term.

422 Section 12. Subsection (2) of section 1009.534, Florida  
 423 Statutes, is amended to read:

424 1009.534 Florida Academic Scholars award.—

425 (2) A Florida Academic Scholar who is enrolled in a

426 certificate, diploma, associate, or baccalaureate degree program  
 427 at a public or nonpublic postsecondary education institution is  
 428 eligible, beginning in the fall 2017 academic semester, for an  
 429 award equal to the amount required to pay 100 percent of tuition  
 430 and fees established under ss. 1009.22(3), (5), (6), and (7);  
 431 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-  
 432 (13), (14)(r), and (16), as applicable, and is eligible for an  
 433 additional \$300 each fall and spring academic semester or the  
 434 equivalent for textbooks and college-related ~~specified in the~~  
 435 ~~General Appropriations Act to assist with the payment of~~  
 436 ~~educational~~ expenses.

437 Section 13. Subsection (2) of section 1009.701, Florida  
 438 Statutes, is amended to read:

439 1009.701 First Generation Matching Grant Program.—

440 (2) Funds appropriated by the Legislature for the program  
 441 shall be allocated by the Office of Student Financial Assistance  
 442 to match private contributions at a ratio of \$2 of state  
 443 funds to \$1 of private contributions ~~dollar-for-dollar basis.~~

444 Contributions made to a state university and pledged for the  
 445 purposes of this section are eligible for state matching funds  
 446 appropriated for this program and are not eligible for any other  
 447 state matching grant program. Pledged contributions are not  
 448 eligible for matching prior to the actual collection of the  
 449 total funds. The Office of Student Financial Assistance shall  
 450 reserve a proportionate allocation of the total appropriated

451 funds for each state university on the basis of full-time  
 452 equivalent enrollment. Funds that remain unmatched as of  
 453 December 1 shall be reallocated to state universities that have  
 454 remaining unmatched private contributions for the program on the  
 455 basis of full-time equivalent enrollment.

456 Section 14. Section 1009.89, Florida Statutes, is amended  
 457 to read:

458 1009.89 The William L. Boyd, IV, Effective Access to  
 459 Student Education ~~Florida resident access~~ grants.-

460 (1) The Legislature finds and declares that independent  
 461 nonprofit colleges and universities eligible to participate in  
 462 the William L. Boyd, IV, Effective Access to Student Education  
 463 ~~Florida Resident Access~~ Grant Program are an integral part of  
 464 the higher education system in this state and that a significant  
 465 number of state residents choose this form of higher education.  
 466 The Legislature further finds that a strong and viable system of  
 467 independent nonprofit colleges and universities reduces the tax  
 468 burden on the citizens of the state. Because the William L.  
 469 Boyd, IV, Effective Access to Student Education ~~Florida Resident~~  
 470 ~~Access~~ Grant Program is not related to a student's financial  
 471 need or other criteria upon which financial aid programs are  
 472 based, it is the intent of the Legislature that the William L.  
 473 Boyd, IV, Effective Access to Student Education ~~Florida Resident~~  
 474 ~~Access~~ Grant Program not be considered a financial aid program  
 475 but rather a tuition assistance program for its citizens.

476 (2) The William L. Boyd, IV, Effective Access to Student  
 477 Education Florida Resident Access Grant Program shall be  
 478 administered by the Department of Education. The State Board of  
 479 Education shall adopt rules for the administration of the  
 480 program.

481 (3) The department shall issue through the program a  
 482 William L. Boyd, IV, Effective Access to Student Education  
 483 ~~Florida resident access~~ grant to any full-time degree-seeking  
 484 undergraduate student registered at an independent nonprofit  
 485 college or university which is located in and chartered by the  
 486 state; which is accredited by the Commission on Colleges of the  
 487 Southern Association of Colleges and Schools; which grants  
 488 baccalaureate degrees; which is not a state university or  
 489 Florida College System institution; and which has a secular  
 490 purpose, so long as the receipt of state aid by students at the  
 491 institution would not have the primary effect of advancing or  
 492 impeding religion or result in an excessive entanglement between  
 493 the state and any religious sect. Any independent college or  
 494 university that was eligible to receive tuition vouchers on  
 495 January 1, 1989, and which continues to meet the criteria under  
 496 which its eligibility was established, shall remain eligible to  
 497 receive William L. Boyd, IV, Effective Access to Student  
 498 Education Florida resident access grant payments.

499 (4) A person is eligible to receive such William L. Boyd,  
 500 IV, Effective Access to Student Education Florida resident

501 ~~access~~ grant if:

502 (a) He or she meets the general requirements, including  
 503 residency, for student eligibility as provided in s. 1009.40,  
 504 except as otherwise provided in this section; and

505 (b)1. He or she is enrolled as a full-time undergraduate  
 506 student at an eligible college or university;

507 2. He or she is not enrolled in a program of study leading  
 508 to a degree in theology or divinity; and

509 3. He or she is making satisfactory academic progress as  
 510 defined by the college or university in which he or she is  
 511 enrolled.

512 (5)(a) Funding for the William L. Boyd, IV, Effective  
 513 Access to Student Education ~~Florida Resident Access Grant~~  
 514 Program for eligible institutions shall be as provided in the  
 515 General Appropriations Act. The William L. Boyd, IV, Effective  
 516 Access to Student Education ~~Florida resident access grant~~ may be  
 517 paid on a prorated basis in advance of the registration period.  
 518 The department shall make such payments to the college or  
 519 university in which the student is enrolled for credit to the  
 520 student's account for payment of tuition and fees. Institutions  
 521 shall certify to the department the amount of funds disbursed to  
 522 each student and shall remit to the department any undisbursed  
 523 advances or refunds within 60 days of the end of regular  
 524 registration. A student is not eligible to receive the award for  
 525 more than 9 semesters or 14 quarters, except as otherwise



526 provided in s. 1009.40(3).

527 (b) If the combined amount of the William L. Boyd, IV,  
 528 Effective Access to Student Education ~~Florida resident access~~  
 529 grant issued pursuant to this act and all other scholarships and  
 530 grants for tuition or fees exceeds the amount charged to the  
 531 student for tuition and fees, the department shall reduce the  
 532 William L. Boyd, IV, Effective Access to Student Education  
 533 ~~Florida resident access~~ grant issued pursuant to this act by an  
 534 amount equal to such excess.

535 (6) If the number of eligible students exceeds the total  
 536 authorized in the General Appropriations Act, an institution may  
 537 use its own resources to assure that each eligible student  
 538 receives the full benefit of the grant amount authorized.

539 Section 15. Subsections (2), (4), and (5) of section  
 540 1009.893, Florida Statutes, are amended to read:

541 1009.893 Benacquisto Scholarship Program.—

542 (2) The Benacquisto Scholarship Program is created to  
 543 reward a ~~any Florida~~ high school graduate who receives  
 544 recognition as a National Merit Scholar or National Achievement  
 545 Scholar and who initially enrolls in the 2014-2015 academic year  
 546 or, later, in a baccalaureate degree program at an eligible  
 547 Florida public or independent postsecondary educational  
 548 institution.

549 (4) In order to be eligible for an award under the  
 550 scholarship program, a student must meet the requirements of

551 paragraph (a) or paragraph (b).†

552 (a) A student who is a resident of the state, ~~Be a state~~  
 553 ~~resident~~ as determined in s. 1009.40 and rules of the State  
 554 Board of Education, must:†

555 1.~~(b)~~ Earn a standard Florida high school diploma or its  
 556 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,  
 557 or s. 1003.435 unless:

558 a.~~1.~~ The student completes a home education program  
 559 according to s. 1002.41; or

560 b.~~2.~~ The student earns a high school diploma from a non-  
 561 Florida school while living with a parent who is on military or  
 562 public service assignment out of this state;

563 2.~~(e)~~ Be accepted by and enroll in a Florida public or  
 564 independent postsecondary educational institution that is  
 565 regionally accredited; and

566 3.~~(d)~~ Be enrolled full-time in a baccalaureate degree  
 567 program at an eligible regionally accredited Florida public or  
 568 independent postsecondary educational institution during the  
 569 fall academic term following high school graduation.

570 (b) A student who initially enrolls in a baccalaureate  
 571 degree program in the 2017-2018 academic year or later and who  
 572 is not a resident of this state, as determined pursuant to s.  
 573 1009.40 and rules of the State Board of Education, must:

574 1. Physically reside in this state on or near the campus  
 575 of the postsecondary educational institution in which the

576 student is enrolled;

577 2. Earn a high school diploma from a school outside  
 578 Florida which is comparable to a standard Florida high school  
 579 diploma or its equivalent pursuant to s. 1002.3105, s.  
 580 1003.4281, s. 1003.4282, or s. 1003.435 or must complete a home  
 581 education program in another state; and

582 3. Be accepted by and enrolled full-time in a  
 583 baccalaureate degree program at an eligible regionally  
 584 accredited Florida public or independent postsecondary  
 585 educational institution during the fall academic term following  
 586 high school graduation.

587 (5)(a)1. An eligible student who meets the requirements of  
 588 paragraph (4)(a), who is a National Merit Scholar or National  
 589 Achievement Scholar, and who attends a Florida public  
 590 postsecondary educational institution shall receive a  
 591 scholarship award equal to the institutional cost of attendance  
 592 minus the sum of the student's Florida Bright Futures  
 593 Scholarship and National Merit Scholarship or National  
 594 Achievement Scholarship.

595 2. An eligible student who meets the requirements under  
 596 paragraph (4)(b), who is a National Merit Scholar, and who  
 597 attends a Florida public postsecondary educational institution  
 598 shall receive a scholarship award equal to the institutional  
 599 cost of attendance for a resident of this state less the  
 600 student's National Merit Scholarship. Such student is exempt

601 from the payment of out-of-state fees.

602 (b) An eligible student who is a National Merit Scholar or  
603 National Achievement Scholar and who attends a Florida  
604 independent postsecondary educational institution shall receive  
605 a scholarship award equal to the highest cost of attendance for  
606 a resident of this state enrolled at a Florida public  
607 university, as reported by the Board of Governors of the State  
608 University System, minus the sum of the student's Florida Bright  
609 Futures Scholarship and National Merit Scholarship or National  
610 Achievement Scholarship.

611 Section 16. The Division of Law Revision and Information  
612 is directed to prepare a reviser's bill for the 2018 Regular  
613 Session to substitute the term "Effective Access to Student  
614 Education Grant Program" for "Florida Resident Access Grant  
615 Program" and the term "Effective Access to Student Education  
616 grant" for "Florida resident access grant" wherever those terms  
617 appear in the Florida Statutes.

618 Section 17. This act shall take effect July 1, 2017.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 845 Direct-support Organization for the Florida Prepaid Tuition Scholarship Program  
**SPONSOR(S):** Mariano  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 896

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee		McAlarney DM	Bishop HRB
2) Higher Education Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

Direct-support organizations (DSO) are statutorily created entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a DSO is prescribed by its enacting statute and also, for most, by a written contract with the agency the DSO was created to support. In 2014, the Legislature passed a bill that required DSOs statutory authority to be repealed.

The Florida Prepaid College Foundation, Inc. (Florida Prepaid) DSO is a not-for-profit corporation created by the Florida Legislature in 1989. Its purpose is to give students the opportunity to build a better future for themselves and the state by providing college scholarships funded through partnerships with individuals, businesses, educational foundations, and the Florida Legislature.

The statutory authority for the Florida Prepaid DSO is scheduled for repeal on October 1, 2017, unless reviewed and saved from repeal by the Legislature.

This bill amends s. 1009.983 (9), F.S., saving from repeal the Florida Prepaid DSO.

This bill has an effective date of July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Direct-Support Organizations**

Direct-support organizations (DSO) are statutorily created entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a DSO is prescribed by its enacting statute and also, for most, by a written contract with the agency the DSO was created to support.

Prior to 2014, there was no formal review process in law to determine whether a DSO was established pursuant to such authorization, or whether the rationale for the authorization remained applicable.

Chapter 2014-96, Laws of Florida<sup>1</sup> established reporting and transparency requirements for each DSO that is created or authorized pursuant to law or executive order and created, approved or administered by a state agency. The DSO must report information related to its organization, mission, and finances to the agency it was created to support by August 1 of each year.<sup>2</sup> Specifically, a DSO must provide:<sup>3</sup>

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the DSO;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

Each agency receiving the above information from a DSO must make the information available to the public through the agency's website. If the DSO maintains a website, the agency's website must provide a link to the DSO's website.<sup>4</sup> Additionally, any contract between an agency and a DSO must be contingent upon the DSO's submission and posting of this information.<sup>5</sup> If a DSO fails to submit the required information for two consecutive years, the agency is required to terminate the contract between the agency and the DSO.<sup>6</sup>

By August 15 of each year, each agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by the DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each organization.<sup>7</sup>

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<sup>1</sup> Section 20.058, F.S.

<sup>2</sup> Section 20.058(1), F.S.

<sup>3</sup> Section 20.058(1)(a)-(f), F.S.

<sup>4</sup> Section 20.058(2), F.S.

<sup>5</sup> Section 20.058(4), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 20.058(3), F.S.

Lastly, a law creating, or authorizing the creation of, a DSO must state that the creation of or authorization for the DSO is repealed on October 1 of the 5th year after enactment, unless reviewed and saved from repeal through reenactment by the Legislature. DSOs in existence on July 1, 2014, must be reviewed by the Legislature by July 1, 2019.

### **DSO Audit Requirements**

DSOs with annual expenditures in excess of \$100,000 that are administered by a state agency are statutorily-required to provide for an annual financial audit of accounts and records to be conducted by an independent certified public accountant. Such audit report is submitted by the DSO within nine months after the end of the fiscal year to the Auditor General and to the state agency responsible for its creation, administration, or approval.<sup>8</sup>

Additionally, the Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of the DSO's accounts and records.<sup>9</sup> The Auditor General is authorized to require and receive any records from the DSO, or from its independent auditor.<sup>10</sup>

### **DSO Ethics Code Requirements**

Section 112.3251, F.S., requires a DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the specified standards of conduct and disclosures provided in s. 112.313, F.S. and s. 112.3143(2), F.S. A DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.<sup>11</sup>

### **Florida Prepaid Tuition Scholarship Program**

The Florida Prepaid Tuition Scholarship Program was established to provide economically disadvantaged youth with prepaid postsecondary tuition scholarships. The DSO works with the Department of Education (DOE)<sup>12</sup> to:

1. Provide an incentive for economically disadvantaged youth to improve school attendance and academic performance in order to graduate and pursue a postsecondary education;<sup>13</sup>
2. Obtain the commitment and involvement of private sector entities by virtue of funding matches with a ratio of 50 percent provided by the private sector and 50 percent provided by the state;<sup>14</sup> and
3. Purchase prepaid tuition scholarships for students certified by the DOE as meeting minimum economic and school requirements and remain drug free and crime free.<sup>15</sup>

### **Florida Prepaid College Foundation, Inc.**

The Florida Prepaid College Foundation, Inc. (Florida Prepaid) DSO was created in 1989 as the DSO of the Florida Prepaid College Board. The Florida Prepaid DSO is focused on giving aspiring students the opportunity to build a better future for themselves and Florida by providing college scholarships funded through partnerships with individuals, businesses, educational foundations, and the Florida Legislature.<sup>16</sup>

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<sup>8</sup> Section 215.981, F.S.

<sup>9</sup> Section 11.45(3), F.S.

<sup>10</sup> Section 11.45(3) (d), F.S.

<sup>11</sup> Section 112.3251, F.S.

<sup>12</sup> Section 1009.984, F.S.

<sup>13</sup> *Id.* at (1).

<sup>14</sup> *Id.* at (2).

<sup>15</sup> *Id.* at (3).

<sup>16</sup> Florida Department of Education, *Annual Report to the Commissioner 2015-2016*,

<http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf> (last visited Mar. 15, 2017).



The Florida Prepaid DSO administers the Florida Prepaid Tuition Scholarship Program pursuant to the provisions of s. 1009.984, F.S.<sup>17</sup>

The Florida Prepaid DSO provides businesses, community groups, and individuals the opportunity to fund tax-deductible college scholarships for Florida children. The donor may select the student and establish the scholarship criteria, subject to the DSO's approval.<sup>18</sup>

To fund these scholarships, the foundation receives an annual appropriation from the Florida Legislature and funding from community partners including other foundations, school districts, businesses, organizations, and individuals. The foundation may provide matching funds or the partner may underwrite the entire scholarship. Contributions to the foundation may be tax-deductible.<sup>19</sup>

The Stanley Tate Project STARS (Scholarship Tuition for At-Risk Students) scholarship program, the DSO's most notable project, is a program for children from low-income families who are at risk of dropping out of school. Many of these children are the first in their families to have the opportunity to attend college. Students must maintain satisfactory academic progress and remain drug- and crime-free to receive a prepaid scholarship upon high school graduation. Since the Stanley Tate Project STARS scholarship program began, 29,000 scholarships have been awarded to low-income students at risk of dropping out of school, and who otherwise might not have had the opportunity to attend college.<sup>20</sup>

If the Florida Prepaid DSO is repealed, all properties revert to the Florida Prepaid College Board or to the state if the board ceases to exist.<sup>21</sup>

This section of law is repealed on October 1, 2017, unless reviewed and saved from repeal by the Legislature.<sup>22</sup>

The DSO has met the following statutory requirements:

**1. The DSO is required to incorporate as a Not-for-Profit Corporation (s. 1009.983 (1) (a), F.S.; ch. 617)**

The DSO is listed as an active Florida Not-for-Profit Corporation with the Florida Division of Corporations. All annual reports have been filed going back to April 5, 1995. A copy of all annual reports is available online.<sup>23</sup>

**2. The DSO is required to be organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the board. (s. 1009.983 (1) (b), F.S.)**

The DSO appears to be organized and operated in this manner and has met this requirement.<sup>24</sup>

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<sup>17</sup> Section 1009.983 (8) (a), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Section 1009.983 (2) (d), F.S.

<sup>22</sup> Section 1009.983 (9), F.S.

<sup>23</sup> Florida Division of Corporations, *Search Records, Detail by Entity Name*,

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDAPREPAIDCOLLEGEFOUNDATION%20N353070&aggregateId=domnp-n35307-f4bbb7a4-2964-48c1-91c1-0462741579f9&searchTerm=Florida%20Prepaid%20College%20Foundation&listNameOrder=FLORIDAPREPAIDCOLLEGEFOUNDATION%20N353070> (last visited Mar. 15, 2017)

<sup>24</sup> Florida Prepaid College Foundation, *About the Foundation*, <https://www.floridaprepaidcollegefoundation.com/about.aspx> (last visited Mar. 15, 2017)

**3. The DSO is required to be operating in a manner consistent with the goals of the board and in the best interests of the state. (s. 1009.983 (1) (c), F.S.)**

The DSO appears to have met this requirement.<sup>25</sup> The DSO has committed to giving aspiring students the opportunity to build a better future for themselves and our state by providing college scholarships funded through partnerships with individuals, businesses, educational foundations and the Florida Legislature. The Stanley Tate Project STARS (Scholarship Tuition for At-Risk Students) scholarship program is the Foundation's hallmark program and annually receives an appropriation from the Legislator which is then matched with local organizations like Take Stock in Children and Education Foundations.

Since the Stanley Tate Project STARS scholarship program began, 32,546 scholarships have been awarded to low-income students at risk of dropping out of school, and who otherwise might not have had the opportunity to attend college. Annually the DSO supports approximately 50 local 501(c)(3) organizations from around the state to purchase approximately 1,500 scholarships for students in their community. Many of these students would not otherwise have the opportunity to go to college and all are required to meet with a mentor, meet academic standards, and graduate from high school.<sup>26</sup>

During fiscal year 2015/2016, the DSO received more than \$20,000,000 in contributions to purchase scholarships, including the annual appropriation of \$7,000,000 for Project STARS. In addition, the Foundation had revenues in the amount of more than \$143,000 and expenses totaling more than \$253,000.<sup>27</sup>

**4. For each year the DSO's expenditures exceed \$100,000, it must provide for an annual financial audit and submit the audit to the Auditor General within nine months after the end of the fiscal year (s. 1009.983 (3), F.S.)**

The DSO has met this requirement. Each year the DSO is audited by an independent auditor. Annual audits from 2010 – 2016 are posted on their website.<sup>28</sup>

### **Effect of Proposed Changes**

This bill eliminates s. 1009.983 (9), F.S., which sunsets the Florida Prepaid DSO unless it is reviewed and saved from repeal by the Legislature. This enables the DSO to remain in existence, thereby allowing it to continue providing assistance and services to Florida's students and parents.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s., 1009.983 (9) F.S., saving from repeal the Florida Prepaid Foundation of Florida, Inc. direct-support organization. The DSO is scheduled for repeal on October 1, 2017, unless saved from repeal by the Legislature.

**Section 2.** Provides an effective date of July 1, 2017.

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<sup>25</sup>Florida Prepaid College Foundation, *Annual Report 2015, Foundation Facts*, p. 2, [http://www.itppv.com/documents/pdf/foundation\\_2015\\_annual\\_report\\_web.pdf](http://www.itppv.com/documents/pdf/foundation_2015_annual_report_web.pdf) (last visited Mar. 1, 2017).

<sup>26</sup> Email from Casey Fisher, Foundation Manager, Florida Prepaid College Foundation, RE: Talking Points for the DSO Extension, answering a question from Representative Amber Mariano's Legislative Assistant Lisa Kauffman regarding how the DSO uses state dollars related to the DSO's mission and how much money flows through the DSO (Mar. 7, 2017).

<sup>27</sup> *Id.*

<sup>28</sup> Florida Prepaid College Foundation, *Financial Statements*, <https://www.floridaprepaidcollegefoundation.com/about-financial-statements.aspx> (last visited Mar. 15, 2017).

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This bill does not affect appropriations for this DSO. The 2015 Florida Legislature appropriated \$7,000,000 to the Florida Prepaid College Foundation for 2015-16, which was received by the Florida Department of Education, Office of Student Financial Assistance, and provided to the foundation for scholarships.

#### 2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

None.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1                   A bill to be entitled  
2           An act relating to the direct-support organization for  
3           the Florida Prepaid Tuition Scholarship Program;  
4           amending s. 1009.983, F.S.; extending the repeal date  
5           of the direct-support organization for the Florida  
6           Prepaid Tuition Scholarship Program; providing an  
7           effective date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

10  
11           Section 1. Subsection (9) of section 1009.983, Florida  
12   Statutes, is amended to read:

13           1009.983 Direct-support organization; authority.—

14           (9) This section is repealed October 1, 2022 ~~2017~~, unless  
15   reviewed and saved from repeal by the Legislature.

16           Section 2. This act shall take effect July 1, 2017.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1085 Florida Keys Community College

**SPONSOR(S):** Raschein

**TIED BILLS:** None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee		McAlarney <i>DM</i>	Bishop <i>HRB</i>
2) Higher Education Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

This bill changes the name of "Florida Keys Community College" to "College of the Florida Keys". The institution has met all statutory requirements for the name change.

The fiscal impact of the bill is indeterminate.

The bill has an effective date of July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

With the approval of its district board of trustees, a Florida College System institution may change the name of the institution as listed in s. 1000.21 (3), F.S., and use the designation “college” or “state college” if it has been authorized to grant baccalaureate degrees and has been accredited as a baccalaureate-degree-granting institution by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).<sup>1</sup> A district board of trustees that approves the use of the designation “college” or “state college” must seek statutory codification of the name change during the next regular legislative session.<sup>2</sup>

Florida Keys Community College has met the statutory requirements for a name change.<sup>3</sup> The college is accredited by the SACSCOC to award associate degrees<sup>4</sup> and a Bachelor of Applied Science in Supervision and Management.<sup>5</sup>

On January 6, 2016, Florida’s State Board of Education unanimously approved Florida Keys Community College’s proposal to offer its first baccalaureate degree at their monthly meeting in Tallahassee.<sup>6</sup> On December 4, 2016, the SACSCOC accredited the college to offer the Bachelor of Applied Science in Supervision and Management effective January 2017.<sup>7</sup>

##### Effect of Proposed Changes

The bill amends s. 1000.21 (3) (h), F.S., changing the name of “Florida Keys Community College” to “College of the Florida Keys”. The college has complied with the statutory requirements for name changes.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 1000.21 (3) (h) changing the name of Florida Keys Community College to College of the Florida Keys.

**Section 2.** Provides an effective date of July 1, 2017.

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<sup>1</sup> Section 1001.60(2)(b)1., F.S.

<sup>2</sup> Section 1001.60(2)(c), F.S.

<sup>3</sup> Section 1001.60(2)(b)1., F.S.

<sup>4</sup> <https://www.fkcc.edu/about/statement-of-accreditation/> (last visited 3/9/17).

<sup>5</sup> Southern Association of Colleges and Schools, Commission on Colleges, Accreditation Actions Taken by the SACSCOC Board of Trustees, Dec. 4, 2016; p. 2; <http://www.sacscoc.org/2016decActionsanddisclosurestatements/16cract.december.pdf> (last visited Mar. 9, 2017); <https://www.fkcc.edu/academics/bachelors-degree-supervision-management/> (last visited 3/9/17)

<sup>6</sup> <http://www.fldoe.org/core/fileparse.php/13170/urlt/agenda.pdf>; Jan. 6, 2016, <https://www.fkcc.edu/2016/01/bachelors-degree-approved-by-state-board/> (last visited Mar. 9, 2017)

<sup>7</sup> Southern Association of Colleges and Schools, Commission on Colleges, Accreditation Actions Taken by the SACSCOC Board of Trustees, Dec. 4, 2016; p. 2; <http://www.sacscoc.org/2016decActionsanddisclosurestatements/16cract.december.pdf> (last visited Mar. 9, 2017)

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

There are costs associated with an institutional name change including signage, publications, documentation, and other related items; however, such costs are indeterminate.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

None.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.



**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

1                   A bill to be entitled  
2           An act relating to Florida Keys Community College;  
3           amending s. 1000.21, F.S.; changing the name of  
4           Florida Keys Community College to "The College of the  
5           Florida Keys"; providing an effective date.

6  
7   Be It Enacted by the Legislature of the State of Florida:

8  
9           Section 1. Paragraph (h) of subsection (3) of section  
10   1000.21, Florida Statutes, is amended to read:

11           1000.21 Systemwide definitions.—As used in the Florida K-  
12   20 Education Code:

13           (3) "Florida College System institution" except as  
14   otherwise specifically provided, includes all of the following  
15   public postsecondary educational institutions in the Florida  
16   College System and any branch campuses, centers, or other  
17   affiliates of the institution:

18           (h) The College of the Florida Keys ~~Community~~ College,  
19   which serves Monroe County.

20           Section 2. This act shall take effect July 1, 2017.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1139 Minority Teacher Education Scholars  
**SPONSOR(S):** Davis  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 1422

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee		McAlarney DM	Bishop HRB
2) Higher Education Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

The Minority Teacher Education Scholars Program (scholarship program) is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The scholarship program provides an annual scholarship in an amount that must be prorated based on available appropriations; the award may not exceed \$4,000. Awards are available to approved minority teacher education scholars who are enrolled in a Florida public or private postsecondary institution in their junior year and who are admitted into a teacher education program.

The bill:

- Revises the eligibility requirements for the scholarship program by removing a requirement that students enrolled in an approved teacher education program must be in their junior year to be eligible for the award, and requires that the student may not have earned more than 18 credit hours of upper-division education courses.
- Allows students to use the scholarship to pursue a graduate degree with a major in education.

The bill has an effective date of July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Minority Teacher Education Scholars Program**

###### **Present Situation**

The Minority Teacher Education Scholars Program (scholarship program) is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The scholarship program provides an annual scholarship in an amount that must be prorated based on available appropriation and may not exceed \$4,000 for each recipient who is enrolled in one of Florida's public or private universities or Florida College System (FCS) institutions in their junior year and is admitted into a teacher education program.<sup>1</sup>

The Florida Fund for Minority Teachers, Inc. and (corporation) is a not-for-profit statutory corporation housed within the College of Education at the University of Florida that administers and manages the scholarship program.

A student may receive a scholarship for three consecutive years, if the student remains enrolled full-time in the scholarship program and makes satisfactory progress toward a baccalaureate degree with a major in education.

An eligible student is required to:<sup>2</sup>

- Meet Florida residency requirements for receipt of state student financial aid;
- Have earned 60 credit hours or an Associate of Arts degree;
- Have not earned a baccalaureate degree in education;
- Be classified as a junior and have not exceeded 18 hours of upper-division education credit at the time of application;
- Have and maintain a minimum 2.5 grade point average;
- Be a member of one of the following ethnic groups: African-American/Black, Hispanic-Latino, Asian-American/Pacific Islander or American Indian/Alaskan native; and
- Be newly admitted into a teacher education program at any of the scholarship program's participating institutions.

Upon graduation, a recipient is required to teach one year in a Florida public school for each year the scholarship was received. If a recipient does not graduate within the two to three years of receiving scholarship funding, or if a recipient does not teach in a Florida public school, the recipient will be required to repay the total amount of the scholarship received at an annual interest rate of eight percent, paid within ten years.<sup>3</sup>

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<sup>1</sup> s. 1009.60(1), F.S.

<sup>2</sup> Florida Department of Education, Office of Student Financial Assistance, *Annual Report to the Commissioner 2015-16 (Jan. 2017)*, p. 45; <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf> (last visited Mar. 9, 2017).

<sup>3</sup> Florida Department of Education, Office of Student Financial Assistance, *Minority Teacher Education Scholarship Florida Fund for Minority Teachers, Inc., 2016-2017 Fact Sheet*, pp. 2-3; <http://www.floridastudentfinancialaid.org/SSFAD/factsheets/FFMT.pdf> (last visited 3/9/17).

## **Effect of Proposed Changes**

The bill revises the eligibility requirements for the scholarship program by removing a requirement that students enrolled in an approved teacher education program must be in their junior year to be eligible for the award, and requires that the student may not have earned more than 18 credit hours of upper-division education courses. The bill also allows a student to use the scholarship to pursue a graduate degree with a major in education.

### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1009.60, F.S., revising eligibility criteria for receipt of a minority teacher education scholarship.

**Section 2.** Amends s. 1009.605, F.S. revising the eligibility requirements for new scholarships and scholarship renewals.

**Section 3.** Provides an effective date of July 1, 2017.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

1 A bill to be entitled  
 2 An act relating to minority teacher education  
 3 scholars; amending s. 1009.60, F.S.; revising  
 4 eligibility criteria for receipt of a minority teacher  
 5 education scholarship; amending s. 1009.605, F.S.;  
 6 revising the scholar awards on which the Florida Fund  
 7 for Minority Teachers, Inc.'s budget projection to the  
 8 Department of Education must be based; providing an  
 9 effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13 Section 1. Subsections (1) and (4) of section 1009.60,  
 14 Florida Statutes, are amended to read:

15 1009.60 Minority teacher education scholars program.—There  
 16 is created the minority teacher education scholars program,  
 17 which is a collaborative performance-based scholarship program  
 18 for African-American, Hispanic-American, Asian-American, and  
 19 Native American students. The participants in the program  
 20 include Florida's Florida College System institutions and its  
 21 public and private universities that have teacher education  
 22 programs.

23 (1) The minority teacher education scholars program shall  
 24 provide an annual scholarship in an amount that shall be  
 25 prorated based on available appropriations and may not exceed



26 \$4,000 for each approved minority teacher education scholar who  
 27 is enrolled in one of Florida's public or private colleges or  
 28 universities, in the junior year and is admitted into a teacher  
 29 education program, and has not earned more than 18 credit hours  
 30 of upper-division-level courses in education.

31 (4) A student may receive a scholarship from the program  
 32 for 3 consecutive years if the student remains enrolled full-  
 33 time in the program and makes satisfactory progress toward a  
 34 baccalaureate degree with a major in education or a graduate  
 35 degree with a major in education, leading to initial  
 36 certification.

37 Section 2. Paragraph (a) of subsection (2) of section  
 38 1009.605, Florida Statutes, is amended to read:

39 1009.605 Florida Fund for Minority Teachers, Inc.—

40 (2)(a) The corporation shall submit an annual budget  
 41 projection to the Department of Education to be included in the  
 42 annual legislative budget request. The projection must be based  
 43 on the cost to award up to 350 scholarships to new scholars ~~in~~  
 44 ~~the junior year~~ and up to 350 renewal scholarships ~~to the 350~~  
 45 ~~rising seniors.~~

46 Section 3. This act shall take effect July 1, 2017.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 6037 Blind Services Direct-support Organization  
**SPONSOR(S):** Fischer  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee		McAlarney <i>DM</i>	Bishop <i>HRB</i>
2) Higher Education Appropriations Subcommittee			
3) Education Committee			

**SUMMARY ANALYSIS**

Direct-support organizations (DSO) are statutorily created entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a DSO is prescribed by its enacting statute and also, for most, by a written contract with the agency the DSO was created to support. In 2014, the Legislature passed a bill that required DSOs statutory authority to be repealed.

The Blind Services Foundation of Florida, Inc. (Blind Services) DSO is a not-for-profit corporation created by the Florida Legislature in 2004. Its purpose is to raise funds to support services provided to Floridians who are blind. This DSO receives 20% of the funds raised through the sale of motor cycle license plates.

The statutory authority for the Blind Services DSO is scheduled for repeal on October 1, 2017, unless reviewed and saved from repeal by the Legislature. If the Blind Services DSO is repealed, all properties (approximately \$128,000) would revert to the Division of Blind Services.

This bill amends s. 413.0111, F.S., saving from repeal the Blind Services DSO.

This bill has an effective date of July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Direct-Support Organizations**

Direct-support organizations (DSO) are statutorily created entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a DSO is prescribed by its enacting statute and also, for most, by a written contract with the agency the DSO was created to support.

Prior to 2014, there was no formal review process in law to determine whether a DSO was established pursuant to such authorization, or whether the rationale for the authorization remained applicable.

Chapter 2014-96, Laws of Florida<sup>1</sup> established reporting and transparency requirements for each DSO that is created or authorized pursuant to law or executive order and created, approved or administered by a state agency. The DSO must report information related to its organization, mission, and finances to the agency it was created to support by August 1 of each year.<sup>2</sup> Specifically, a DSO must provide:<sup>3</sup>

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the DSO;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

Each agency receiving the above information from a DSO must make the information available to the public through the agency's website. If the DSO maintains a website, the agency's website must provide a link to the DSO's website.<sup>4</sup> Additionally, any contract between an agency and a DSO must be contingent upon the DSO's submission and posting of this information.<sup>5</sup> If a DSO fails to submit the required information for two consecutive years, the agency is required to terminate the contract between the agency and the DSO.<sup>6</sup>

By August 15 of each year, each agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by the DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each organization.<sup>7</sup>

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<sup>1</sup> Section 20.058, F.S.

<sup>2</sup> Section 20.058(1), F.S.

<sup>3</sup> Section 20.058(1)(a)-(f), F.S.

<sup>4</sup> Section 20.058(2), F.S.

<sup>5</sup> Section 20.058(4), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 20.058(3), F.S.

Lastly, a law creating, or authorizing the creation of, a DSO must state that the creation of or authorization for the DSO is repealed on October 1 of the 5th year after enactment, unless reviewed and saved from repeal through reenactment by the Legislature. DSOs in existence on July 1, 2014, must be reviewed by the Legislature by July 1, 2019.

### **DSO Audit Requirements**

DSOs with annual expenditures in excess of \$100,000 that are administered by a state agency are statutorily-required to provide for an annual financial audit of accounts and records to be conducted by an independent certified public accountant. Such audit report is submitted by the DSO within nine months after the end of the fiscal year to the Auditor General and to the state agency responsible for its creation, administration, or approval.<sup>8</sup>

Additionally, the Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of the DSO's accounts and records.<sup>9</sup> The Auditor General is authorized to require and receive any records from the DSO, or from its independent auditor.<sup>10</sup>

### **DSO Ethics Code Requirements**

Section 112.3251, F.S., requires a DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the specified standards of conduct and disclosures provided in s. 112.313, F.S. and s. 112.3143(2), F.S. A DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.<sup>11</sup>

### **Blind Services Foundation of Florida, Inc. (Blind Services)**

The Blind Services DSO was created by the Florida Legislature in 2004 as a DSO of the Florida Division of Blind Services (division).<sup>12</sup> Their statutory goal is to support programs of the division and raise funds to support services for the benefit of Floridians who are blind and or visually impaired.<sup>13</sup> Specifically, this DSO is operated to benefit blind Floridians by:

- Conducting programs and activities;
- Initiating developmental projects;
- Raising funds;
- Requesting and receive grants, gifts, and bequests of moneys;
- Acquiring and administering securities, funds, objects of value, or other property, real or personal; and
- Making expenditures.<sup>14</sup>

The purposes and objectives of the Blind Services DSO must be consistent with the priority issues and objectives of the Department of Education (DOE) and be in the best interests of the state. The division may permit the use of state property and facilities by this DSO so long as it is directly used in keeping with the DSO's approved purposes.<sup>15</sup>

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<sup>8</sup> Section 215.981, F.S.

<sup>9</sup> Section 11.45(3), F.S.

<sup>10</sup> Section 11.45(3) (d), F.S.

<sup>11</sup> Section 112.3251, F.S.

<sup>12</sup> Section 413.0111 (2) (a), F.S.

<sup>13</sup> Section 413.0111, F.S.

<sup>14</sup> Section 413.0111 (1), F.S.

<sup>15</sup> Section 413.0111 (3), F.S.

The division director may designate employees of the division to solicit donations from public or private sources to help with funding.<sup>16</sup> Funds must be used for the enhancement of division programs and projects. All funds received and expended by the DSO must be deposited into a bank account held outside of the State Treasury<sup>17</sup> and the funds must be used in a manner consistent with their purposes and goals.<sup>18</sup> Also, administrative costs for running and promoting the Blind Services DSO must be paid by private funds.<sup>19</sup> The annual audit requirements of s. 215.981 apply to the Blind Services DSO.<sup>20</sup>

In addition to state, private, and corporate funding, the Blind Services DSO funding comes from motor cycle specialty license plates. The Department of Transportation (DOT) issues a specialty license plate to the owner or lessee of any motorcycle upon request and payment of the appropriate license taxes and fees.<sup>21</sup> DOT collects an annual license plate use fee of \$20. The Florida Endowment for Vocational Rehabilitation (ABLE Trust) is currently receiving more than 30% of these funds.

The annual fees are distributed to the ABLE Trust as custodial agent. The ABLE Trust may retain a maximum of 10% of the proceeds from the sale of the license plate for administrative costs.<sup>22</sup> The ABLE Trust must distribute the remaining funds in the following manner:

1. 20% to the ABLE Trust. These funds are restricted to the support of the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistant program pursuant to s. 413.402.<sup>23</sup>
2. 20% to the Brain and Spinal Cord Injury Program Trust Fund.<sup>24</sup>
3. 20% to Prevent Blindness Florida.<sup>25</sup>
4. 20% to the Blind Services Foundation of Florida.<sup>26</sup>
5. 20% to the Florida Association of Centers for Independent Living.<sup>27</sup>

If the Blind Services DSO is repealed, all properties revert to the Division of Blind Services (division).<sup>28</sup> Approximately \$128,000 would revert to the division.

This section of law is repealed on October 1, 2017, unless reviewed and saved from repeal by the Legislature.<sup>29</sup>

The DSO has met the following statutory requirements:

- 1. The DSO is required to incorporate as a Not-for-Profit Corporation (s. 413.0111, F.S.; ch. 617)**

The DSO is listed as an active Florida Not-for-Profit Corporation with the Florida Division of Corporations. All annual reports have been filed going back to the DSO's December 10, 2004 founding. A copy of all annual reports and the Articles of Incorporation are available online.<sup>30</sup>

<sup>16</sup> Section 413.0111 (6), F.S.

<sup>17</sup> Section 413.0111 (2) (f), F.S.

<sup>18</sup> Section 413.0111 (4), F.S.

<sup>19</sup> Section 413.0111 (2) (g), F.S.

<sup>20</sup> Section 413.0111 (5), F.S.

<sup>21</sup> Section 320.08068 (2), F.S.

<sup>22</sup> Section 320.08068 (4), F.S.

<sup>23</sup> Section 320.08068 (4) (d), F.S.

<sup>24</sup> Section 320.08068 (4) (a), F.S.

<sup>25</sup> Section 320.08068 (4) (b), F.S.

<sup>26</sup> Section 320.08068 (4) (c), F.S.

<sup>27</sup> Section 320.08068 (4) (e), F.S.

<sup>28</sup> Section 413.0111 (2) (e), F.S.

<sup>29</sup> Section 413.0111 (7), F.S.

<sup>30</sup> Florida Division of Corporations; Search Records; Detail by Entity Name.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=BLINDSERVICESFOUNDATIONFLORIDA%20N040000115650&aggregateId=domnp-n04000011565-09515b1c-51b5-4a50-90bd->

2. **For each year the DSO's expenditures exceed \$100,000, it must provide for an annual financial audit and submit the audit to the Auditor General within nine months after the end of the fiscal year (s. 215.981, F.S.)**

The DSO's annual expenditures do not exceed \$100,000. Therefore, the DSO is not required to have an annual audit and is in compliance.

3. **The DSO is required to form a board of directors. (s. 413.0111 (2) (b) – (c), F.S.)**

The DSO has formed a board. The current board includes leaders in the blind and visually impaired community who serve as non-paid volunteers.<sup>31</sup> Currently, the board is self-appointed and operates according to their established bylaws.<sup>32</sup> The board meets three times per year and has committee meetings. These meetings are conducted via teleconference.<sup>33</sup> All board meetings must adhere to Florida's Sunshine Law requirements required under s. 24, Art. I of the State Constitution, ch. 119, and s. 286.011, F.S.<sup>34</sup> The meetings are open to the public, advertised on their web site, and in the Florida Administrative Weekly.<sup>35</sup>

4. **The DSO is required to maintain donations and direct service expenditures in a bank account outside of the State Treasury. (s. 413.0111 (f), F.S.)**

The DSO has bank accounts outside of the State Treasury.<sup>36</sup>

5. **The purposes and objectives of the DSO must be consistent with the priority issues and objectives of the Department of Education and must be in the best interests of the state. (s. 413.0111 (3), F.S.)**

The DSO's purposes and objectives are consistent with assisting Floridians who are blind and visually impaired. They maintain their mission and are focused on strategies closely aligned with the priorities of the Department of Education and Division of Blind Services.

6. **Funds designated for the DSO must be used for the enhancement of programs and projects of the Division of Blind Services (s. 413.0111(4), F.S.)**

The DSO appears to be using the funds for assisting Floridians who are blind and visually impaired.

### **Effect of Proposed Changes**

This bill eliminates s. 413.615 (14), F.S., which sunsets the Blind Services DSO unless it is reviewed and saved from repeal by the Legislature. This enables the DSO to remain in existence, thereby allowing it to continue providing assistance and services to blind and visually impaired Floridians.

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[6fc643e18a95&searchTerm=blind%20Services%20foundation&listNameOrder=BLINDSERVICESFOUNDATIONFLORIDA%20N040000115650](http://www.blindservicesfoundation.org/WelcomePage.html) (last visited Mar. 14, 2017)

<sup>31</sup> Blind Services Foundation of Florida, Inc.; Welcome Page <http://www.blindservicesfoundation.org/WelcomePage.html> (last visited Mar. 14, 2017)

<sup>32</sup> Section 413.0111 (2) (b), F.S.

<sup>33</sup> *Id.*

<sup>34</sup> Section 413.0111 (2) (d), F.S.

<sup>35</sup> Blind Services Foundation of Florida, Inc.; Welcome Page <http://www.blindservicesfoundation.org/WelcomePage.html> (last visited Mar. 14, 2017)

<sup>36</sup> Email from Tanya Cooper, Director of Governmental Relations, Florida Department of Education, Florida Division of Blind Services, RE: DBS DSO Information, regarding the Blind Services Foundation of Florida, Inc. maintaining bank accounts outside of the State Treasury (Mar. 15, 2017).

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B. SECTION DIRECTORY:

**Section 1.** Amends s. 413.615, F.S., saving from repeal the Blind Services Foundation of Florida, Inc. direct-support organization. The DSO is scheduled for repeal on October 1, 2017 unless saved from repeal by the Legislature.

**Section 2.** Provides an effective date of July 1, 2017.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:



None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

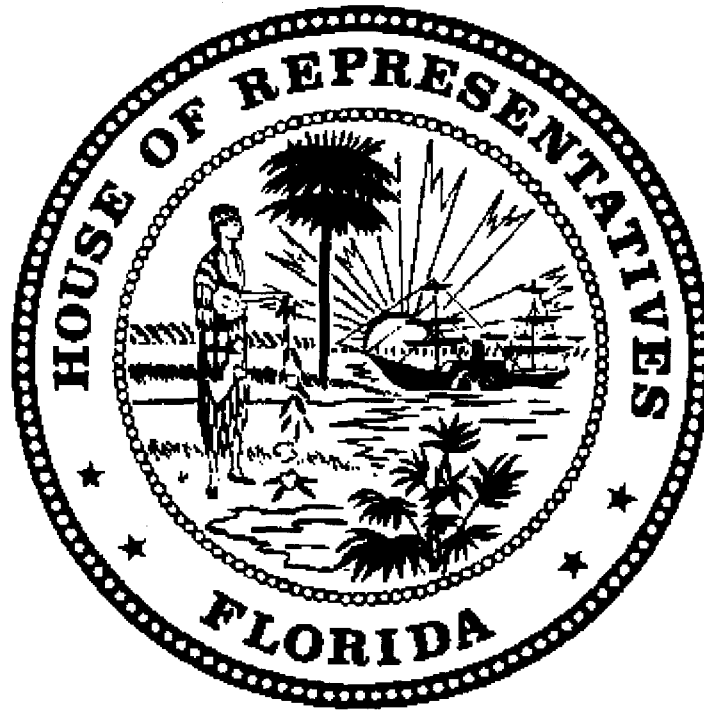
1                   A bill to be entitled  
2           An act relating to the blind services direct-support  
3           organization; amending s. 413.0111, F.S.; removing the  
4           future repeal of provisions relating to the blind  
5           services direct-support organization; providing an  
6           effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Subsection (7) of section 413.0111, Florida  
11   Statutes, is amended to read:

12           413.0111 Blind services direct-support organization.—  
13           ~~(7) This section is repealed October 1, 2017, unless~~  
14   ~~reviewed and saved from repeal by the Legislature.~~

15           Section 2. This act shall take effect July 1, 2017.



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# **Post-Secondary Education Subcommittee**

**March 20, 2017**

**3:30 PM**

**Mashburn Hall (306 HOB)**

**Amended Meeting Packet**



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Post-Secondary Education  
2 Subcommittee  
3 Representative Avila offered the following:  
4

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act shall be cited as the "Florida  
8 Excellence in Higher Education Act of 2017."

9 Section 2. Subsection (1) of section 1001.66, Florida  
10 Statutes, is amended to read:

11 1001.66 Florida College System Performance-Based  
12 Incentive.—

13 (1) The State Board of Education shall adopt the following  
14 performance-based metrics for use in awarding a Florida College  
15 System Performance-Based Incentive ~~shall be awarded to a~~ Florida



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16 College System institution: ~~institutions using performance based~~  
17 ~~metrics~~

18 (a) A student retention rate, as calculated by the  
19 Division of Florida Colleges;

20 (b) A 150 percent-of-normal-time program completion and  
21 graduation rate for full-time, first-time-in-college students,  
22 as calculated by the Division of Florida Colleges using a cohort  
23 definition of "full-time" based on a student's majority  
24 enrollment in full-time terms. Full-time, first-time-in-college  
25 students who graduate within 100 percent-of-normal-time program  
26 completion shall receive weighting in an amount equal to two  
27 times that of students who graduate within 150 percent-of-  
28 normal-time program completion;

29 (c) A continuing education or postgraduation job placement  
30 rate for workforce education programs, including workforce  
31 baccalaureate degree programs, as reported by the Florida  
32 Education and Training Placement Information Program, with wage  
33 thresholds that reflect the added value of the applicable  
34 certificate or degree;

35 (d) A graduation rate for full-time, first-time-in-college  
36 students enrolled in an associate in arts degree program that is  
37 part of a 2+2 targeted pathway articulation agreement with a  
38 state university, who graduate with a baccalaureate degree in 4  
39 years after initially enrolling in the associate in arts degree  
40 program; and

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41       (e) One performance-based metric on college affordability  
42 adopted by the State Board of Education. ~~The performance-based~~  
43 ~~metrics must include retention rates, program completion and~~  
44 ~~graduation rates, postgraduation employment, salaries, and~~  
45 ~~continuing education for workforce education and baccalaureate~~  
46 ~~programs, with wage thresholds that reflect the added value of~~  
47 ~~the certificate or degree, and outcome measures appropriate for~~  
48 ~~associate of arts degree recipients.~~

49

50 The state board shall adopt benchmarks to evaluate each  
51 institution's performance on the metrics to measure the  
52 institution's achievement of institutional excellence or need  
53 for improvement and ~~the~~ minimum requirements for eligibility to  
54 receive performance funding.

55       Section 3. Subsection (1) of section 1001.67, Florida  
56 Statutes, is amended to read:

57       1001.67 Distinguished Florida College System Institution  
58 Program.—A collaborative partnership is established between the  
59 State Board of Education and the Legislature to recognize the  
60 excellence of Florida's highest-performing Florida College  
61 System institutions.

62       (1) EXCELLENCE STANDARDS.—The following excellence  
63 standards are established for the program:



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64 (a) A 100 ~~150~~ percent-of-normal-time completion rate for  
65 full-time, first-time-in-college students of 50 percent or  
66 higher, as calculated by the Division of Florida Colleges.

67 (b) A 100 ~~150~~ percent-of-normal-time completion rate for  
68 full-time, first-time-in-college Pell Grant recipients of 40  
69 percent or higher, as calculated by the Division of Florida  
70 Colleges.

71 (c) A retention rate of 70 percent or higher, as  
72 calculated by the Division of Florida Colleges.

73 (d) A continuing education, or transfer, rate of 72  
74 percent or higher for students graduating with an associate of  
75 arts degree, as reported by the Florida Education and Training  
76 Placement Information Program (FETPIP).

77 (e) A licensure passage rate on the National Council  
78 Licensure Examination for Registered Nurses (NCLEX-RN) of 90  
79 percent or higher for first-time exam takers, as reported by the  
80 Board of Nursing.

81 (f) A ~~job placement or~~ continuing education or job  
82 placement rate of 88 percent or higher for workforce programs,  
83 as reported by FETPIP, with wage thresholds that reflect the  
84 added value of the applicable certificate or degree.

85 (g) An excess hours rate of 40 percent or lower for A  
86 ~~time to degree for students graduating with an~~ associate of arts  
87 degree recipients who graduate with 72 or more credit hours, as  
88 calculated by the Division of Florida Colleges ~~of 2.25 years or~~



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89 ~~less for first time in college students with accelerated college~~  
90 ~~credits, as reported by the Southern Regional Education Board.~~

91 Section 4. Paragraph (b) of subsection (5) of section  
92 1001.706, Florida Statutes, is amended to read:

93 1001.706 Powers and duties of the Board of Governors.—

94 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

95 (b) The Board of Governors shall develop a strategic plan  
96 specifying goals and objectives for the State University System  
97 and each constituent university, including each university's  
98 contribution to overall system goals and objectives. The  
99 strategic plan must:

100 1. Include performance metrics and standards common for  
101 all institutions and metrics and standards unique to  
102 institutions depending on institutional core missions,  
103 including, but not limited to, student admission requirements,  
104 retention, graduation, percentage of graduates who have attained  
105 employment, percentage of graduates enrolled in continued  
106 education, licensure passage, average wages of employed  
107 graduates, average cost per graduate, excess hours, student loan  
108 burden and default rates, faculty awards, total annual research  
109 expenditures, patents, licenses and royalties, intellectual  
110 property, startup companies, annual giving, endowments, and  
111 well-known, highly respected national rankings for institutional  
112 and program achievements.

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113           2. Consider reports and recommendations of the Higher  
114 Education Coordinating Council pursuant to s. 1004.015 and the  
115 Articulation Coordinating Committee pursuant to s. 1007.01.

116           3. Include student enrollment and performance data  
117 delineated by method of instruction, including, but not limited  
118 to, traditional, online, and distance learning instruction.

119           4. Include criteria for designating baccalaureate degree  
120 and master's degree programs at specified universities as high-  
121 demand programs of emphasis. Fifty percent of the criteria for  
122 designation as high-demand programs of emphasis must be based on  
123 achievement of performance outcome thresholds determined by the  
124 Board of Governors, and 50 percent of the criteria must be based  
125 on achievement of performance outcome thresholds specifically  
126 linked to:

127           a. Job placement in employment of 36 hours or more per  
128 week and average full-time wages of graduates of the degree  
129 programs 1 year and 5 years after graduation, based in part on  
130 data provided in the economic security report of employment and  
131 earning outcomes produced annually pursuant to s. 445.07.

132           b. Data-driven gap analyses, conducted by the Board of  
133 Governors, of the state's job market demands and the outlook for  
134 jobs that require a baccalaureate or higher degree. Each state  
135 university must use the gap analyses to identify internship  
136 opportunities for students to benefit from mentorship by



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137 industry experts, earn industry certifications, and become  
138 employed in high-demand fields.

139 Section 5. Paragraph (d) of subsection (2), paragraph (c)  
140 of subsection (5), and subsection (8) of section 1001.7065,  
141 Florida Statutes, are amended to read:

142 1001.7065 Preeminent state research universities program.—

143 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The  
144 following academic and research excellence standards are  
145 established for the preeminent state research universities  
146 program:

147 (d) A 4-year ~~6-year~~ graduation rate of 50 ~~70~~ percent or  
148 higher for full-time, first-time-in-college students, as  
149 calculated by the Board of Governors ~~reported annually to the~~  
150 ~~IPEDS~~.

151 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM  
152 SUPPORT.—

153 (c) The award of funds under this subsection is contingent  
154 upon funding provided in the General Appropriations Act to  
155 support the preeminent state research universities program  
156 created under this section. Funding increases appropriated  
157 beyond the amounts funded in the previous fiscal year shall be  
158 distributed as follows:

159 1. Each designated preeminent state research university  
160 that meets the criteria in paragraph (a) shall receive an equal  
161 amount of funding.

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162           2. Each designated emerging preeminent state research  
163 university that meets the criteria in paragraph (b) shall  
164 receive an amount of funding that is equal to one-fourth ~~one-~~  
165 ~~half~~ of the total increased amount awarded to each designated  
166 preeminent state research university.

167           (8) PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE UNIVERSITY  
168 SYSTEM.—The Board of Governors shall ~~is encouraged to~~ establish  
169 standards and measures whereby individual undergraduate,  
170 graduate, and professional degree programs in state universities  
171 which ~~that~~ objectively reflect national excellence can be  
172 identified and make recommendations to the Legislature by  
173 September 1, 2017, as to how any such programs could be enhanced  
174 and promoted.

175           Section 6. Subsection (1) of section 1001.92, Florida  
176 Statutes, is amended to read:

177           1001.92 State University System Performance-Based  
178 Incentive.—

179           (1) A State University System Performance-Based Incentive  
180 shall be awarded to state universities using performance-based  
181 metrics adopted by the Board of Governors of the State  
182 University System. The performance-based metrics must include  
183 graduation rates, including 4-year and 6-year rates with  
184 weighting provided for 4-year rates; retention rates;  
185 postgraduation education rates; degree production;  
186 affordability; postgraduation employment and salaries, including

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187 wage thresholds that reflect the added value of a baccalaureate  
188 degree; access, including both enrollment and graduation rates  
189 for low-income students; and other metrics approved by the board  
190 in a formally noticed meeting. The board shall adopt benchmarks  
191 to evaluate each state university's performance on the metrics  
192 to measure the state university's achievement of institutional  
193 excellence or need for improvement and minimum requirements for  
194 eligibility to receive performance funding. Benchmarks or  
195 metrics in place for any given year may not be adjusted after  
196 university performance data has been received by the Board of  
197 Governors.

198 Section 7. Section 1004.6497, Florida Statutes, is created  
199 to read:

200 1004.6497 World Class Faculty and Scholar Program.-

201 (1) PURPOSE AND LEGISLATIVE INTENT.-The World Class  
202 Faculty and Scholar Program is established to fund and support  
203 the efforts of state universities to recruit and retain  
204 exemplary faculty and research scholars. It is the intent of the  
205 Legislature to elevate the national competitiveness of Florida's  
206 state universities through faculty and scholar recruitment and  
207 retention.

208 (2) INVESTMENTS.-Retention, recruitment, and recognition  
209 efforts, activities, and investments may include investments in  
210 research-centric cluster hires, faculty research and research  
211 commercialization efforts, undergraduate student participation

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212 in research, professional development, awards for outstanding  
213 performance, and postdoctoral fellowships.

214 (3) FUNDING AND USE.—Funding for the program shall be as  
215 provided in the General Appropriations Act. Each state  
216 university shall use the funds only for the purpose and  
217 investments authorized under this section.

218 (4) ACCOUNTABILITY.—By March 15 of each year, the Board of  
219 Governors shall provide to the Governor, the President of the  
220 Senate, and the Speaker of the House of Representatives a report  
221 summarizing information from the universities in the State  
222 University System, including, but not limited to:

223 (a) Specific expenditure information as it relates to the  
224 investments identified in subsection (2).

225 (b) The impact of those investments in elevating the  
226 national competitiveness of the universities, specifically  
227 relating to:

228 1. The success in recruiting research faculty and the  
229 resulting research funding;

230 2. The 4-year graduation rate;

231 3. The number of undergraduate courses offered with fewer  
232 than 50 students; and

233 4. The increased national academic standing of targeted  
234 programs, specifically advancement among top 50 universities in  
235 the targeted programs in well-known and highly respected  
236 national public university rankings, including, but not limited

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237 to, the U.S. News and World Report rankings, which reflect  
238 national preeminence, using the most recent rankings.

239 Section 8. Subsection (7) is added to section 1007.23,  
240 Florida Statutes, to read:

241 1007.23 Statewide articulation agreement.—

242 (7) To strengthen Florida's "2+2" system of articulation  
243 and improve student retention and on-time graduation, by the  
244 2018-2019 academic year, each Florida College System institution  
245 shall execute at least one "2+2" targeted pathway articulation  
246 agreement with one or more state universities to establish "2+2"  
247 targeted pathway programs. The agreement must provide students  
248 who graduate with an associate in arts degree and who meet  
249 specified requirements guaranteed access to the state university  
250 and a degree program at that university, in accordance with the  
251 terms of the "2+2" targeted pathway articulation agreement.

252 (a) To participate in a "2+2" targeted pathway program, a  
253 student must:

254 1. Enroll in the program before completing 30 credit  
255 hours, including, but not limited to, college credits earned  
256 through articulated acceleration mechanisms pursuant to s.  
257 1007.27;

258 2. Complete an associate in arts degree; and

259 3. Meet the university's transfer requirements.

260 (b) A state university that executes a "2+2" targeted  
261 pathway articulation agreement must meet the following



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262 requirements in order to implement a "2+2" targeted pathway  
263 program in collaboration with its partner Florida College System  
264 institution:

265 1. Establish a 4-year on-time graduation plan for a  
266 baccalaureate degree program, including, but not limited to, a  
267 plan for students to complete associate in arts degree programs,  
268 general education courses, common prerequisite courses, and  
269 elective courses;

270 2. Advise students enrolled in the program about the  
271 university's transfer and degree program requirements; and

272 3. Provide students who meet the requirements under this  
273 paragraph with access to academic advisors and campus events and  
274 with guaranteed admittance to the state university and a degree  
275 program of the state university, in accordance with the terms of  
276 the agreement.

277 (c) To assist the state universities and Florida College  
278 System institutions with implementing the "2+2" targeted pathway  
279 programs effectively, the State Board of Education and the Board  
280 of Governors shall collaborate to eliminate barriers in  
281 executing "2+2" targeted pathway articulation agreements.

282 Section 9. Subsection (2) of section 1007.27, Florida  
283 Statutes, is amended to read:

284 1007.27 Articulated acceleration mechanisms.—

285 (2) (a) The Department of Education shall annually identify  
286 and publish the minimum scores, maximum credit, and course or

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287 courses for which credit is to be awarded for each College Level  
288 Examination Program (CLEP) subject examination, College Board  
289 Advanced Placement Program examination, Advanced International  
290 Certificate of Education examination, International  
291 Baccalaureate examination, Excelsior College subject  
292 examination, Defense Activity for Non-Traditional Education  
293 Support (DANTES) subject standardized test, and Defense Language  
294 Proficiency Test (DLPT). The department shall use student  
295 performance data in subsequent postsecondary courses to  
296 determine the appropriate examination scores and courses for  
297 which credit is to be granted. Minimum scores may vary by  
298 subject area based on available performance data. In addition,  
299 the department shall identify such courses in the general  
300 education core curriculum of each state university and Florida  
301 College System institution.

302 (b) Each district school board shall notify students who  
303 enroll in articulated acceleration mechanism courses or take  
304 examinations pursuant to this section of the credit-by-  
305 examination equivalency list adopted by rule by the State Board  
306 of Education and the dual enrollment course and high school  
307 subject area equivalencies approved by the state board pursuant  
308 to s. 1007.271(9).

309 Section 10. Subsections (3), (4), and (5) of section  
310 1008.30, Florida Statutes, are amended to read:





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311 1008.30 Common placement testing for public postsecondary  
312 education.—

313 (3) ~~By October 31, 2013,~~ The State Board of Education  
314 shall establish by rule the test scores a student must achieve  
315 to demonstrate readiness to perform college-level work, and the  
316 rules must specify the following:

317 (a) All degree-seeking students must ~~A student who entered~~  
318 ~~9th grade in a Florida public school in the 2003-2004 school~~  
319 ~~year, or any year thereafter, and earned a Florida standard high~~  
320 ~~school diploma or a student who is serving as an active duty~~  
321 ~~member of any branch of the United States Armed Services shall~~  
322 ~~not be required to take the common placement test for diagnostic~~  
323 ~~purposes, but may~~ and shall not be required to enroll in  
324 developmental education instruction in a Florida College System  
325 institution. However, a student who is ~~not required to take the~~  
326 ~~common placement test and is~~ not required to enroll in  
327 developmental education under this paragraph may opt to ~~be~~  
328 ~~assessed and to~~ enroll in developmental education instruction,  
329 and the college shall provide such ~~assessment and~~ instruction  
330 upon the student's request.

331 (b) A student who takes the common placement test and  
332 whose score on the test indicates a need for developmental  
333 education must be advised of all the developmental education  
334 options offered at the institution and, after advisement, shall



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335 be allowed to enroll in the developmental education option of  
336 his or her choice.

337 (c) A student who demonstrates readiness by achieving or  
338 exceeding the test scores established by the state board and  
339 enrolls in a Florida College System institution within 2 years  
340 after achieving such scores shall not be required to retest or  
341 complete developmental education when admitted to any Florida  
342 College System institution.

343 (4) ~~By December 31, 2013,~~ The State Board of Education, in  
344 consultation with the Board of Governors, shall approve a series  
345 of meta-majors and the academic pathways that identify the  
346 gateway courses associated with each meta-major. Florida College  
347 System institutions shall use placement test results to  
348 determine the extent to which each student demonstrates  
349 sufficient communication and computation skills to indicate  
350 readiness for his or her chosen meta-major. Florida College  
351 System institutions shall counsel students into college credit  
352 courses as quickly as possible, with developmental education  
353 limited to that content needed for success in the meta-major.

354 (5)(a) Each Florida College System institution board of  
355 trustees shall develop a plan to implement the developmental  
356 education strategies defined in s. 1008.02 and rules established  
357 by the State Board of Education. The plan must be submitted to  
358 the Chancellor of the Florida College System for approval ~~no~~  
359 ~~later than March 1, 2014, for implementation no later than the~~

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360 ~~fall semester 2014~~. Each plan must include, at a minimum, local  
361 policies that outline:

362 1. Documented student achievements such as grade point  
363 averages, work history, military experience, participation in  
364 juried competitions, career interests, degree major declaration,  
365 or any combination of such achievements that the institution may  
366 consider, in addition to common placement test scores, for  
367 advising students regarding enrollment options.

368 2. Developmental education strategies available to  
369 students.

370 3. A description of student costs and financial aid  
371 opportunities associated with each option.

372 4. Provisions for the collection of student success data.

373 5. A comprehensive plan for advising students into  
374 appropriate developmental education strategies based on student  
375 success data.

376 (b) ~~Beginning October 31, 2015,~~ Each Florida College  
377 System institution shall annually prepare an accountability  
378 report that includes student success data relating to each  
379 developmental education strategy implemented by the institution.  
380 The report shall be submitted to the Division of Florida  
381 Colleges by October 31 in a format determined by the Chancellor  
382 of the Florida College System. By December 31, the chancellor  
383 shall compile and submit the institutional reports to the



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384 Governor, the President of the Senate, the Speaker of the House  
385 of Representatives, and the State Board of Education.

386 (c) A university board of trustees may contract with a  
387 Florida College System institution board of trustees for the  
388 Florida College System institution to provide developmental  
389 education on the state university campus. Any state university  
390 in which the percentage of incoming students requiring  
391 developmental education equals or exceeds the average percentage  
392 of such students for the Florida College System may offer  
393 developmental education without contracting with a Florida  
394 College System institution; however, any state university  
395 offering college-preparatory instruction as of January 1, 1996,  
396 may continue to provide developmental education instruction  
397 pursuant to s. 1008.02(1) ~~such services.~~

398 Section 11. Subsection (5) is added to section 1008.39,  
399 Florida Statutes, to read:

400 1008.39 Florida Education and Training Placement  
401 Information Program.—

402 (5) The Board of Governors shall have access to the  
403 reemployment assistance wage reports maintained by the  
404 Department of Economic Opportunity. The board must enter into an  
405 agreement with the Department of Economic Opportunity which  
406 ensures that privacy will be protected and that data will be  
407 used only for the purpose of auditing or evaluating state-



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408 supported higher education programs offered by state  
409 universities.

410 Section 12. Subsection (7) of section 1009.22, Florida  
411 Statutes, is amended to read:

412 1009.22 Workforce education postsecondary student fees.—

413 (7) Each district school board and Florida College System  
414 institution board of trustees is authorized to establish a  
415 separate fee for technology, not to exceed 5 percent of tuition  
416 per credit hour or credit-hour equivalent for resident students  
417 and not to exceed 5 percent of tuition and the out-of-state fee  
418 per credit hour or credit-hour equivalent for nonresident  
419 students. Revenues generated from the technology fee shall be  
420 used to enhance instructional technology resources for students  
421 and faculty and may ~~shall~~ not be included in an ~~any~~ award under  
422 the Florida Bright Futures Scholarship Program, except as  
423 authorized for the Florida Academic Scholars award under s.  
424 1009.534. Fifty percent of technology fee revenues may be  
425 pledged by a Florida College System institution board of  
426 trustees as a dedicated revenue source for the repayment of  
427 debt, including lease-purchase agreements, not to exceed the  
428 useful life of the asset being financed. Revenues generated from  
429 the technology fee may not be bonded.

430 Section 13. Subsection (10) of section 1009.23, Florida  
431 Statutes, is amended to read:

432 1009.23 Florida College System institution student fees.—

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433 (10) Each Florida College System institution board of  
434 trustees is authorized to establish a separate fee for  
435 technology, which may not exceed 5 percent of tuition per credit  
436 hour or credit-hour equivalent for resident students and may not  
437 exceed 5 percent of tuition and the out-of-state fee per credit  
438 hour or credit-hour equivalent for nonresident students.  
439 Revenues generated from the technology fee shall be used to  
440 enhance instructional technology resources for students and  
441 faculty. The technology fee may apply to both college credit and  
442 developmental education and may shall not be included in an any  
443 award under the Florida Bright Futures Scholarship Program,  
444 except as authorized for the Florida Academic Scholars award  
445 under s. 1009.534. Fifty percent of technology fee revenues may  
446 be pledged by a Florida College System institution board of  
447 trustees as a dedicated revenue source for the repayment of  
448 debt, including lease-purchase agreements, not to exceed the  
449 useful life of the asset being financed. Revenues generated from  
450 the technology fee may not be bonded.

451 Section 14. Subsection (13) and paragraph (b) of  
452 subsection (16) of section 1009.24, Florida Statutes, are  
453 amended, and subsection (21) is added to that section, to read:

454 1009.24 State university student fees.-

455 (13) Each university board of trustees may establish a  
456 technology fee of up to 5 percent of the tuition per credit  
457 hour. The revenue from this fee shall be used to enhance

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458 instructional technology resources for students and faculty. The  
459 technology fee may not be included in an ~~any~~ award under the  
460 Florida Bright Futures Scholarship Program established pursuant  
461 to ss. 1009.53-1009.538, except as authorized for the Florida  
462 Academic Scholars award under s. 1009.534.

463 (16) Each university board of trustees may establish a  
464 tuition differential for undergraduate courses upon receipt of  
465 approval from the Board of Governors. However, beginning July 1,  
466 2014, the Board of Governors may only approve the establishment  
467 of or an increase in tuition differential for a state research  
468 university designated as a preeminent state research university  
469 pursuant to s. 1001.7065(3). The tuition differential shall  
470 promote improvements in the quality of undergraduate education  
471 and shall provide financial aid to undergraduate students who  
472 exhibit financial need.

473 (b) Each tuition differential is subject to the following  
474 conditions:

475 1. The tuition differential may be assessed on one or more  
476 undergraduate courses or on all undergraduate courses at a state  
477 university.

478 2. The tuition differential may vary by course or courses,  
479 by campus or center location, and by institution. Each  
480 university board of trustees shall strive to maintain and  
481 increase enrollment in degree programs related to math, science,



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482 high technology, and other state or regional high-need fields  
483 when establishing tuition differentials by course.

484 3. For each state university that is designated as a  
485 preeminent state research university by the Board of Governors,  
486 pursuant to s. 1001.7065, the aggregate sum of tuition and the  
487 tuition differential may be increased by no more than 6 percent  
488 of the total charged for the aggregate sum of these fees in the  
489 preceding fiscal year. The tuition differential may be increased  
490 if the university meets or exceeds performance standard targets  
491 for that university established annually by the Board of  
492 Governors for the following performance standards, amounting to  
493 no more than a 2-percent increase in the tuition differential  
494 for each performance standard:

495 a. An increase in the 4-year ~~6-year~~ graduation rate for  
496 full-time, first-time-in-college students, as calculated by the  
497 Board of Governors ~~reported annually to the Integrated~~  
498 ~~Postsecondary Education Data System.~~

499 b. An increase in the total annual research expenditures.

500 c. An increase in the total patents awarded by the United  
501 States Patent and Trademark Office for the most recent years.

502 4. The aggregate sum of undergraduate tuition and fees per  
503 credit hour, including the tuition differential, may not exceed  
504 the national average of undergraduate tuition and fees at 4-year  
505 degree-granting public postsecondary educational institutions.





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506           5. The tuition differential shall not be included in an  
507 ~~any~~ award under the Florida Bright Futures Scholarship Program  
508 established pursuant to ss. 1009.53-1009.538, except as  
509 authorized for the Florida Academic Scholars award under s.  
510 1009.534.

511           6. Beneficiaries having prepaid tuition contracts pursuant  
512 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and  
513 which remain in effect, are exempt from the payment of the  
514 tuition differential.

515           7. The tuition differential may not be charged to any  
516 student who was in attendance at the university before July 1,  
517 2007, and who maintains continuous enrollment.

518           8. The tuition differential may be waived by the  
519 university for students who meet the eligibility requirements  
520 for the Florida public student assistance grant established in  
521 s. 1009.50.

522           9. Subject to approval by the Board of Governors, the  
523 tuition differential authorized pursuant to this subsection may  
524 take effect with the 2009 fall term.

525           (21) Each state university board of trustees shall adopt a  
526 block tuition policy for implementation by the fall 2018  
527 academic semester. At a minimum, the policy must include a  
528 provision that exempts resident undergraduate students from the  
529 payment of tuition and fees for any credits taken in excess of  
530 15 credit hours per semester.

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531 Section 15. Subsection (9) of section 1009.53, Florida  
532 Statutes, is amended to read:

533 1009.53 Florida Bright Futures Scholarship Program.—

534 (9) A student may use an award for summer term enrollment  
535 if funds are available. Funding provided for summer term  
536 enrollment must be equitably distributed among all Bright  
537 Futures award levels.

538 Section 16. Subsection (6) of section 1009.531, Florida  
539 Statutes, is amended to read:

540 1009.531 Florida Bright Futures Scholarship Program;  
541 student eligibility requirements for initial awards.—

542 (6)(a) The State Board of Education shall publicize the  
543 examination score required for a student to be eligible for a  
544 Florida Academic Scholars award, pursuant to s. 1009.534(1)(a)  
545 or (b). High school students must earn an SAT or ACT score of  
546 ~~1290~~ which corresponds to the 89th SAT percentile rank ~~or a~~  
547 ~~concordant ACT score of 29.~~

548 (b) The State Board of Education shall publicize the  
549 examination score required for a student to be eligible for a  
550 Florida Medallion Scholars award, pursuant to s. 1009.535(1)(a)  
551 or (b). High school students must earn an SAT or ACT score of  
552 ~~1170~~ which corresponds to the 75th SAT percentile ~~rank or a~~  
553 ~~concordant ACT score of 26.~~

554 ~~(c) The SAT percentile ranks and corresponding SAT scores~~  
555 ~~specified in paragraphs (a) and (b) are based on the SAT~~

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556 ~~percentile ranks for 2010 college bound seniors in critical~~  
557 ~~reading and mathematics as reported by the College Board. The~~  
558 ~~next highest SAT score is used when the percentile ranks do not~~  
559 ~~directly correspond.~~

560 Section 17. Subsection (2) of section 1009.534, Florida  
561 Statutes, is amended to read:

562 1009.534 Florida Academic Scholars award.—

563 (2) A Florida Academic Scholar who is enrolled in a  
564 certificate, diploma, associate, or baccalaureate degree program  
565 at a public or nonpublic postsecondary education institution is  
566 eligible, beginning in the fall 2017 academic semester, for an  
567 award equal to the amount required to pay 100 percent of tuition  
568 and fees established under ss. 1009.22(3), (5), (6), and (7);  
569 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-  
570 (13), (14)(r), and (16), as applicable, and is eligible for an  
571 additional \$300 each fall and spring academic semester or the  
572 equivalent for textbooks and college-related specified in the  
573 ~~General Appropriations Act to assist with the payment of~~  
574 ~~educational~~ expenses.

575 Section 18. Subsection (2) of section 1009.701, Florida  
576 Statutes, is amended to read:

577 1009.701 First Generation Matching Grant Program.—

578 (2) Funds appropriated by the Legislature for the program  
579 shall be allocated by the Office of Student Financial Assistance  
580 to match private contributions on a dollar-for-dollar-basis.

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581 Beginning in the 2017-2018 fiscal year, the ratio shall be \$2 of  
582 state funds to \$1 of private contributions to provide additional  
583 funding to increase the number of eligible students receiving  
584 the scholarship. After all eligible students are funded,  
585 remaining funds may be used to increase award amounts based on  
586 financial need. Contributions made to a state university and  
587 pledged for the purposes of this section are eligible for state  
588 matching funds appropriated for this program and are not  
589 eligible for any other state matching grant program. Pledged  
590 contributions are not eligible for matching prior to the actual  
591 collection of the total funds. The Office of Student Financial  
592 Assistance shall reserve a proportionate allocation of the total  
593 appropriated funds for each state university on the basis of  
594 full-time equivalent enrollment. Funds that remain unmatched as  
595 of December 1 shall be reallocated to state universities that  
596 have remaining unmatched private contributions for the program  
597 on the basis of full-time equivalent enrollment.

598 Section 19. Section 1009.89, Florida Statutes, is amended  
599 to read:

600 1009.89 The William L. Boyd, IV, Effective Access to  
601 Student Education ~~Florida resident access~~ grants.-

602 (1) The Legislature finds and declares that independent  
603 nonprofit colleges and universities eligible to participate in  
604 the William L. Boyd, IV, Effective Access to Student Education  
605 ~~Florida Resident Access~~ Grant Program are an integral part of

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606 the higher education system in this state and that a significant  
607 number of state residents choose this form of higher education.  
608 The Legislature further finds that a strong and viable system of  
609 independent nonprofit colleges and universities reduces the tax  
610 burden on the citizens of the state. Because the William L.  
611 Boyd, IV, Effective Access to Student Education Florida Resident  
612 ~~Access~~ Grant Program is not related to a student's financial  
613 need or other criteria upon which financial aid programs are  
614 based, it is the intent of the Legislature that the William L.  
615 Boyd, IV, Effective Access to Student Education Florida Resident  
616 ~~Access~~ Grant Program not be considered a financial aid program  
617 but rather a tuition assistance program for its citizens.

618 (2) The William L. Boyd, IV, Effective Access to Student  
619 Education Florida Resident Access Grant Program shall be  
620 administered by the Department of Education. The State Board of  
621 Education shall adopt rules for the administration of the  
622 program.

623 (3) The department shall issue through the program a  
624 William L. Boyd, IV, Effective Access to Student Education  
625 ~~Florida resident access~~ grant to any full-time degree-seeking  
626 undergraduate student registered at an independent nonprofit  
627 college or university which is located in and chartered by the  
628 state; which is accredited by the Commission on Colleges of the  
629 Southern Association of Colleges and Schools; which grants  
630 baccalaureate degrees; which is not a state university or

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631 Florida College System institution; and which has a secular  
632 purpose, so long as the receipt of state aid by students at the  
633 institution would not have the primary effect of advancing or  
634 impeding religion or result in an excessive entanglement between  
635 the state and any religious sect. Any independent college or  
636 university that was eligible to receive tuition vouchers on  
637 January 1, 1989, and which continues to meet the criteria under  
638 which its eligibility was established, shall remain eligible to  
639 receive William L. Boyd, IV, Effective Access to Student  
640 Education Florida resident access grant payments.

641 (4) A person is eligible to receive such William L. Boyd,  
642 IV, Effective Access to Student Education Florida resident  
643 access grant if:

644 (a) He or she meets the general requirements, including  
645 residency, for student eligibility as provided in s. 1009.40,  
646 except as otherwise provided in this section; and

647 (b)1. He or she is enrolled as a full-time undergraduate  
648 student at an eligible college or university;

649 2. He or she is not enrolled in a program of study leading  
650 to a degree in theology or divinity; and

651 3. He or she is making satisfactory academic progress as  
652 defined by the college or university in which he or she is  
653 enrolled.

654 (5)(a) Funding for the William L. Boyd, IV, Effective  
655 Access to Student Education Florida Resident Access Grant

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656 Program for eligible institutions shall be as provided in the  
657 General Appropriations Act. The William L. Boyd, IV, Effective  
658 Access to Student Education ~~Florida resident access~~ grant may be  
659 paid on a prorated basis in advance of the registration period.  
660 The department shall make such payments to the college or  
661 university in which the student is enrolled for credit to the  
662 student's account for payment of tuition and fees. Institutions  
663 shall certify to the department the amount of funds disbursed to  
664 each student and shall remit to the department any undisbursed  
665 advances or refunds within 60 days of the end of regular  
666 registration. A student is not eligible to receive the award for  
667 more than 9 semesters or 14 quarters, except as otherwise  
668 provided in s. 1009.40(3).

669 (b) If the combined amount of the William L. Boyd, IV,  
670 Effective Access to Student Education ~~Florida resident access~~  
671 grant issued pursuant to this act and all other scholarships and  
672 grants for tuition or fees exceeds the amount charged to the  
673 student for tuition and fees, the department shall reduce the  
674 William L. Boyd, IV, Effective Access to Student Education  
675 ~~Florida resident access~~ grant issued pursuant to this act by an  
676 amount equal to such excess.

677 (6) If the number of eligible students exceeds the total  
678 authorized in the General Appropriations Act, an institution may  
679 use its own resources to assure that each eligible student  
680 receives the full benefit of the grant amount authorized.

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681 Section 20. The Division of Law Revision and Information  
682 is directed to prepare a reviser's bill for the 2018 Regular  
683 Session to substitute the term "Effective Access to Student  
684 Education Grant Program" for "Florida Resident Access Grant  
685 Program" and the term "Effective Access to Student Education  
686 grant" for "Florida resident access grant" wherever those terms  
687 appear in the Florida Statutes.

688 Section 21. This act shall take effect July 1, 2017.

689

690

691 **T I T L E A M E N D M E N T**

692 Remove everything before the enacting clause and insert:

693

694

695 A bill to be entitled  
696 An act relating to higher education; providing a short  
697 title; amending s. 1001.66, F.S.; revising  
698 requirements for the performance-based metrics used to  
699 award Florida College System institutions with  
700 performance-based incentives; amending s. 1001.67,  
701 F.S.; revising the Distinguished Florida College  
702 System Institution Program excellence standards  
703 requirements; amending s. 1001.706, F.S.; providing  
704 that each state university must use gap analyses for  
705 specified purposes; amending s. 1001.7065, F.S.;  
revising the preeminent state research universities

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706 program graduation rate requirements and funding  
707 distributions; requiring the Board of Governors to  
708 establish certain standards by a specified date;  
709 amending s. 1001.92, F.S.; requiring certain  
710 performance-based metrics to include specified  
711 information; prohibiting the adjustment of benchmarks  
712 and metrics under certain circumstances; creating s.  
713 1004.6497, F.S.; establishing the World Class Faculty  
714 and Scholar Program; providing the purpose and intent  
715 of the program; authorizing investments in certain  
716 faculty retention, recruitment, and recognition  
717 activities; specifying funding as provided in the  
718 General Appropriations Act; requiring the funds to be  
719 used only for authorized purposes and investments;  
720 requiring the Board of Governors to submit an annual  
721 report to the Governor and the Legislature by a  
722 specified date; amending s. 1007.23, F.S.; requiring  
723 each Florida College System institution to execute at  
724 least one "2+2" targeted pathway articulation  
725 agreement by a specified time; providing requirements  
726 and student eligibility for the agreements; requiring  
727 the State Board of Education and the Board of  
728 Governors to collaborate to eliminate barriers for the  
729 agreements; amending s. 1007.27, F.S.; requiring  
730 school districts to notify students about certain

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731 lists and equivalencies related to articulated  
732 acceleration; amending s. 1008.30, F.S.; requiring all  
733 degree seeking students to take the common placement  
734 test; providing that certain state universities may  
735 continue to provide developmental education  
736 instruction; amending s. 1008.39, F.S.; requiring the  
737 Board of Governors to have access to certain reports  
738 maintained by the Department of Economic Opportunity  
739 for specified purposes; requiring the Board of  
740 Governors to enter into an agreement with the  
741 Department of Economic Opportunity to ensure that the  
742 board uses certain data for specified purposes only;  
743 amending ss. 1009.22 and 1009.23, F.S.; revising the  
744 prohibition on the inclusion of a technology fee in  
745 the Florida Bright Futures Scholarship Program award;  
746 amending s. 1009.24, F.S.; revising the prohibition on  
747 the inclusion of a technology fee in the Florida  
748 Bright Futures Scholarship Program award; requiring  
749 each state university board of trustees to adopt and  
750 implement a block tuition policy for specified  
751 undergraduate students by a specified academic  
752 semester; amending s. 1009.53, F.S.; providing for the  
753 distribution of Bright Futures Scholarship funds for a  
754 summer term; amending s. 1009.531, F.S.; revising  
755 eligibility criteria for initial award of Florida

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756 Bright Futures awards relating to SAT and ACT scores;  
757 amending s. 1009.534, F.S.; providing that Florida  
758 Academic Scholars award amounts cover specified  
759 tuition and fees, textbooks, and other college-related  
760 expenses; amending s. 1009.701, F.S.; revising the  
761 state-to-private match requirement for contributions  
762 to the First Generation Matching Grant Program;  
763 amending s. 1009.89, F.S.; renaming the Florida  
764 Resident Access Grant Program; providing a directive  
765 to the Division of Law Revision and Information;  
766 providing an effective date.  
767